

EXHIBIT 14

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

- - -

In re: FTX Trading LTD, et al.
Debtors.

Chapter 11
Case No.
22-11068 (JTD)

- - -

September 19, 2024

- - -

Videotaped deposition of
ROBERT GORDON, conducted at Latham &
Watkins, 1271 Avenue of the Americas, New
York, New York, commencing at 9:00 a.m.
EDT, on the above date.

Magna Legal Services
866-624-6221
www.MagnaLS.com

Marie Foley
RMR, CRR

1

2 deposition notice we sent.

3 Can you grab that?

4 (Gordon Exhibit 1, Notice of
5 Deposition of the Debtors Pursuant to
6 Fed.R.Civ.P.30(b)(6), was marked for
7 identification, as of this date.)

8 BY MR. HARRIS:

9 Q. All right. So you've been
10 handed Exhibit 1 is the Notice of
11 Deposition to the debtors.

12 Have you seen this document
13 before?

14 A. I have.

15 Q. Okay.

16 And you're prepared -- please
17 look, I'm sorry, on page 6, 6 through 8
18 there's 16 topics. And you're prepared to
19 testify on all of them except for topic
20 11; is that right?

21 A. That's correct.

22 Q. Okay.

23 And just to be clear, are you
24 represented by counsel today?

25 A. I am not.

1

2 Q. Okay.

3 You say you also met with a
4 developer; is that right?

5 A. Correct.

6 Q. Is that someone who still works
7 for the debtors?

8 A. Correct.

9 Q. And who is that?

10 A. His first name is [REDACTED].

11 Q. [REDACTED], okay.

12 A. [REDACTED]

13 Q. And do you remember his last
14 name?

15 A. I do not remember his last name.

16 Q. Okay.

17 And why did you meet with [REDACTED]?

18 A. To answer questions regarding
19 the different fields that -- that -- that
20 ER used to calculate a customer's account
21 balance, as well as to understand what --
22 what flags and, I mean, changes in the
23 database related to liquidation and line
24 of credit for Three Arrows Capital's
25 account.

1

2 Q. Did he have any knowledge about
3 the Three Arrows account, or was he just
4 someone who knows how to work the
5 database?

6 A. My understanding of his role
7 pre-petition was on the development of new
8 code and new features and not on the
9 day-to-day operation of the exchange.

10 Q. Okay.

11 So, do you understand he had any
12 personal knowledge about the Three Arrows
13 account?

14 A. Not that I'm aware of.

15 Q. So what did you learn from your
16 discussion with [REDACTED] about the changes in
17 the Three Arrows account in this June 12th
18 to 15th time period?

19 A. We -- we learned dis -- we -- we
20 clarified descriptions of some of the
21 fields that -- that are shown here in --
22 in doc 38.

23 Q. Okay.

24 A. And that the state of Three
25 Arrows' account on the exchange from a

1

2 Q. Okay. Was the end of the day on
3 June 13th the first time that the debtors
4 were aware of Three Arrows being out of
5 compliance?

6 A. To my knowledge.

7 MR. HARRIS: I'm just going to
8 hand around a slip sheet to Exhibit 2
9 so the court reporter has something to
10 put a sticker on, but it's just a
11 piece of paper.

12 (Gordon Exhibit 2, Excel
13 spreadsheet placeholder, Bates
14 FTX_3AC_000000038, was marked for
15 identification, as of this date.)

16 MR. HARRIS: Would anyone like a
17 slip sheet of Exhibit 2?

18 MR. TAOUSSE: This is a slip
19 sheet of doc 38 that we have shown.

20 MR. GLUECKSTEIN: We made a
21 note.

22 BY MR. HARRIS:

23 Q. Did you -- I take it you didn't
24 speak to anyone else, besides [REDACTED], who
25 works or used to work for the debtors,

1

2 right?

3 A. Correct.

4 Q. Okay.

5 Did you attempt to speak to
6 anyone who had personal knowledge of the
7 Three Arrows account?

8 A. I did not.

9 Q. Do you know if anyone on your
10 behalf attempted to speak to anyone who
11 worked at or works at the debtors and had
12 personal knowledge of the Three Arrows
13 account?

14 A. Not on my behalf.

15 Q. Okay. Do you have any knowledge
16 about who at the debtors have personal
17 knowledge about the Three Arrows account?
18 And I'm including former employees in
19 that.

20 A. It would be the individuals that
21 were in the Slack and that corresponding
22 email that I referenced.

23 Q. Okay.

24 (Gordon Exhibit 4, Slack Short
25 Message Report 6/14/2022, Bates

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2 A. My understanding is that that
3 would, in conjunction with the exchange,
4 that would be marked as the deposit is
5 complete.

6 Q. So there's some record that
7 occurs in exchange that indicates the
8 sweep occurred?

9 A. That the deposit was
10 successfully completed.

11 Q. Okay.

12 Is there a record, do the
13 debtors have any record that indicates
14 into what wallet the customer's asset is
15 transferred?

16 A. Are -- are you asking that if a
17 customer deposits an asset at -- do we --
18 does it -- do we have a record of which
19 sweep wallet that goes into?

20 Q. Correct.

21 A. Not that I'm aware of.

22 Q. Okay. So the debtor do not have
23 any way of knowing what wallet a digital
24 asset from a customer where -- where it
25 resides, in what wallet?

1

2 A. So, the wallets are available to
3 be reviewed publicly on the blockchain,
4 but to understand when a asset is
5 onboarded or off-boarded, you have to
6 trace that asset. There's not a
7 systematic tracking.

8

9 Q. So just to make sure I
10 understand, the debtors do not track into
11 which wallet a customer's digital asset is
12 swept?

13 A. Not that I'm aware of.

14 Q. Do the debtors know which common
15 wallets held Three Arrows' digital assets?

16 A. Not that I'm aware of.

17 Q. Is there any way to tell, based
18 on the debtors' current business records,
19 which -- which wallets held 3AC's digital
20 assets as of June 12th?

21 A. Not that I'm aware of.

22 Q. Is there any way to tell, based
23 on the debtors' business records, which
24 customers have assets in a particular
25 common wallet?

 A. There is not a tracking between

1
2 will automatically go out and borrow the
3 dollars you need to go purchase that
4 bitcoin. So your ending balance would be
5 one bitcoin and a 30,000 USD borrow.

6 So you would go on a
7 peer-to-peer basis and borrow those
8 dollars.

9 Q. So the borrowing is from another
10 user, not from FTX?

11 A. That's right.

12 Q. Does -- does the first user have
13 any knowledge of who the lending user is?

14 A. I don't believe so.

15 Q. Okay.

16 All right. Can you turn to the
17 page that ends 726, it calls -- 726, it's
18 called Section 3.

19 A. It says "Schedule 3 Service
20 Schedule."

21 Q. Yeah.

22 And then the bottom section on
23 the left "Specified service specific
24 terms." And then on the right it says
25 "Important."

1

2 fact, they didn't?

3 A. Are you asking for my opinion

4 on --

5 Q. I'm asking for the debtors'

6 opinion why they would intentionally

7 mislead their customers.

8 A. I do not know.

9 Q. At the bottom of this page is

10 the sentence that starts "as described

11 below and as previously disclosed."

12 A. I see it.

13 Q. Then it says: The FTX group had

14 only a small fraction of the digital

15 assets in FTX.com Exchange wallets that

16 would have been necessary to cover

17 customer positions on the petition date.

18 Do you see that?

19 A. I do.

20 Q. Have the debtors determined

21 whether the debtors had sufficient digital

22 assets to cover customer positions on June

23 12th, 2022?

24 A. Not to my knowledge.

25 Q. Or on June 14th, 2022?

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2 A. That's my understanding.

3 Q. Which FTX customers had lent
4 money to 3AC as of June 12th?

5 A. I have not seen the other side
6 of 3AC's borrows -- their borrows.

7 Q. Would 3AC have any way of
8 knowing what user in FTX's view lent money
9 to it?

10 A. No, and it could be multiple
11 users.

12 Q. Does FTX have a document that
13 shows which users lent money to 3AC as of
14 June 12th, 2022?

15 A. I'm not certain.

16 Q. In the -- the way the lending
17 program works, do the lending users lend
18 money to a particular user?

19 A. No.

20 Q. So there -- if I understand,
21 there is no particular user who lent money
22 to 3AC?

23 A. Not to my knowledge.

24 Q. So, when the proceeds went
25 into -- the proceeds from the sales of

1
2 assets between June 12th and June 14th
3 were generated, what FTX users' lending
4 positions were paid off?

5 A. It would be whoever held that
6 portion of the lend at that point in time.

7 Q. But there is no particular user
8 who held that portion of the 3AC lend,
9 right?

10 A. It would go to -- a particular
11 user would have a portion of their lend,
12 but there's -- they would -- there's --
13 they would just put their money out and
14 then their lend program would, if someone
15 borrowed, they would start to have -- see
16 that as a lend and earn interest and when
17 either side closed that transaction, it
18 would -- the -- the cash would be credited
19 back to their account.

20 Q. I think we may be going in
21 circles.

22 Who is the particular user or
23 users who lent money to Three Arrows?

24 A. It would be the other customers
25 on the exchange.

1

2 Q. All of them?

3 A. Those that have selected the
4 ability for their funds to be lent.

5 Q. Every single user who
6 participated in the ability to loan money
7 lent money to Three Arrows?

8 A. Theoretically.

9 Q. And so there's no one particular
10 or set number of users who made that loan;
11 it was every single user, if I understand
12 the debtors' position?

13 A. The -- the exchange would
14 determine, based upon who was lending --
15 who was offering lending at that point in
16 time, at what interest rate they were
17 lending at, and then it would
18 automatically select lend offers for your
19 borrow. There -- in that public document,
20 there is an example of how that worked.

21 Q. So there are particular users
22 that lend money to Three Arrows; is that
23 right?

24 A. Yes.

25 Q. Okay. I just want to make sure

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2 I'm getting your testimony right because I
3 thought I heard the exact opposite and now
4 I'm hearing --

5 A. Can I give you the concept --

6 Q. Yeah, you can give me a
7 conceptual answer, but then I'm going to
8 need an actual answer who are the lenders
9 of 3AC.

10 A. So, John, Jane, Bob all are --
11 have excess cash on their account and they
12 want to lend. They will put out in market
13 that they want 5 percent, 6 percent, 7
14 percent. Borrower says, and this is
15 automated, I want to borrow at -- I'd like
16 to borrow \$10,000, or whatever the number
17 is. It would look to the lowest offer
18 first and then give -- begin to fill those
19 buckets 'til the loan was satisfied, and
20 then the highest interest rate, the
21 marginal interest rate would be charged to
22 that customer. And then the first two,
23 John and Jane, would get the corresponding
24 interest.

25 Q. Okay.

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So somewhere in the debtors' records it would indicate which customers are getting the interest that's associated with 3AC, or is it all commingled so you can't really tell who's associated with what borrower?

8

A. I'm not certain.

9

Q. Okay.

10

11

12

13

And is 3AC taking the -- I'm sorry, is -- is FTX taking the position that the US dollar assets in those lending accounts are also FTX property?

14

15

MR. GLUECKSTEIN: Calls for a legal conclusion.

16

17

18

19

A. My understanding in the plan that with the exception of certain accounts, that that is the position we're taking.

20

Q. Okay.

21

22

23

24

25

Still in Exhibit 14, so the second set of interrogatory answers, if you can go to Exhibit A that's referenced in that answer. See on the far right there's a column: Amount liquidated

1
2 day on the 12th.

3 (Pause.)

4 MR. HARRIS: And for the record,
5 the spreadsheet the witness is looking
6 at is Exhibit 2, FTX_38.

7 A. So, I would need to perform
8 additional analysis to tie -- tie the size
9 back to doc 38.

10 The doc 8 is driving the
11 interest calculation that is then booked
12 against the USD balance in the borrower's
13 column.

14 Q. In -- in -- in FTX_38?

15 A. That's correct.

16 Q. All right.

17 Sitting here today, you can't
18 tell what else -- so, the -- the only
19 interest that's reflected in -- in the "US
20 Dollar" column in exhibit -- or, in FTX_38
21 is the spot margin balance?

22 A. That's my understanding of how
23 the table was populated, or the table was
24 pulled and summarized.

25 Q. But you can't tell what

1

2 constitute the rest of the US dollar
3 balance of 1.3 billion besides the 631
4 million from table 8, right?

5 A. Not specifically using doc 8.

6 Q. Okay.

7 Do you have any -- putting aside
8 the document, can you tell me what -- what
9 else could constitute the other 700
10 million of liability?

11 A. I -- I would need to perform
12 additional analysis.

13 Q. Okay. But sitting here today,
14 you can't tell me what the other \$700
15 million of liability is?

16 A. Not with pointing at other data
17 sources that would then require analysis.

18 MR. HARRIS: Okay.

19 I think that's it for now.

20 We're going to hold the deposition
21 open because I don't believe proper
22 preparation was done on all topics.

23 MR. GLUECKSTEIN: Well, you
24 can -- you can say that you're holding
25 the deposition open. We're not

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

FTX TRADING LTD., *et al.*,¹

Debtors.

Chapter 11

Case No. 22-11068 (JTD)

(Jointly Administered)

ERRATA SHEET OF ROBERT GORDON

I, Robert Gordon, have reviewed the transcript of my deposition taken on September 19, 2024 in the above-referenced action, and certify that the same appears to be a correct transcript of the answers given by me to the questions therein propounded, except for the following corrections or changes in the errata below:

Page	Line(s)	Change	Reason
23	12	Change “of” to “with”	Transcription Error
18	25	Change “Carney” to “Kearney”	Spelling
26	25	Change “exists” to “exist”	Clarification
29	11	Change “right” to “correct”	Transcription Error
32	18	Change “between” to “approximately between”	Transcription Error
34	19-20	Change “perform -- performed by” to “performed by”	Clarification
35	14-17	Change “by the -- they were sold in the account, but out -- there’s -- there’s no communication of what, other than that the -- a sell order” to “in the account, but there’s no	Clarification

¹ The last four digits of FTX Trading Ltd.’s and Alameda Research LLC’s tax identification number are 3288 and 4063 respectively. Due to the large number of debtor entities in these Chapter 11 Cases, a complete list of the Debtors and the last four digits of their federal tax identification numbers is not provided herein. A complete list of such information may be obtained on the website of the Debtors’ claims and noticing agent at <https://cases.ra.kroll.com/FTX>. The principal place of business of Debtor Emergent Fidelity Technologies Ltd is Unit 3B, Bryson’s Commercial Complex, Friars Hill Road, St. John’s, Antigua and Barbuda.

		communication other than that a sell order”	
35	21-23	Change “the user of three -- the main -- or, sub -- main account for -- that’s tied to the -- Kyle” to “the user of the main account that’s tied to Kyle”	Clarification
36	9-12	Change “the sales were put through on that -- put through by that -- on that -- that use -- on -- by that user” to “the sales were put through by that user”	Clarification
37	12-14	Change “sales are -- are entered under standard -- under standard sale terms” to “sales were entered under standard sale terms”	Clarification
38	17	Change “exhibits.” to “exhibits --”	Transcription Error
38	20	Change “And we” to “-- and we”	Transcription Error
38	21	Change “documents” to “the documents”	Transcription Error
40	3	Change “you’ve just been” to “you were just”	Transcription Error
44	15	Change “data” to “date of”	Transcription Error
47	17	Change “well” to “as well”	Transcription Error
49	3	Change “meeting” to “team meeting”	Transcription Error
49	11	Change “Lu” to “Liu”	Transcription Error
51	20	Change “ER” to “are”	Transcription Error
57	14	Change “debtor” to “debtors”	Clarification
64	12	Change “Ryan” to “Ryne”	Clarification
67	12	Change “question” to “question before you respond”	Transcription Error
73	11	Change “SOLs” to “SOALs”	Transcription Error
75	19	Change “knowledge” to “role”	Transcription Error
77	16	Change “going to instruct him” to “instructing him not to answer”	Transcription Error
77	18	Change “for” to “or”	Transcription Error
78	12	Change “to” to “to him about”	Transcription Error
78	13	Change “ask” to “talk to”	Transcription Error
88	16	Change “the” to “their”	Transcription Error
97	6	Change “negative US dollar” to “US negative dollar”	Transcription Error
102	21	Change “Here where to” to “In order to”	Transcription Error
106	19	Change “occurred” to “incurred”	Transcription Error

106	21	Change “occurred” to “incurred”	Transcription Error
108	9	Change “was” to “is”	Transcription Error
114	9	Change “a” to “the”	Transcription Error
122	9	Change “This here” to “There”	Transcription Error
122	19	Change “under” to “under it”	Transcription Error
136	2	Change “to” to “related to”	Transcription Error
138	20	Change “We looked” to “I think we looked”	Transcription Error
138	25	Change “Liquidate” to “Liquidation”	Transcription Error
147	21	Change “USD bitcoin” to “bitcoin”	Transcription Error
148	18	Change “Section” to “Schedule”	Transcription Error
149	13	Change “platform as” to “platform’s”	Transcription Error
154	25	Change “paragraph” to “page”	Transcription Error
155	4	Change “come” to “comes”	Transcription Error
159	13	Change “ETC” to “UTC”	Transcription Error
165	25	Change “undated” to “is undated”	Transcription Error
166	6	Change “were” to “that were”	Transcription Error
166	19	Change “is” to “is this”	Transcription Error
170	4	Change “assets” to “assets listed”	Transcription Error
171	3-4	Change “That was provided in” to “The Debtors provided”	Transcription Error
171	25	Change “Pacific” to “specific”	Transcription Error
172	10	Change “by” to “in wallets”	Transcription Error
172	10-11	Change “under control” to “owned and controlled”	Transcription Error
172	11	Change “were accordingly” to “accordingly”	Transcription Error
173	17	Change “Don’t” to “Please don’t”	Transcription Error
174	24	Change “own” to “owned”	Transcription Error
176	2	Change “establish” to “establishes”	Clarification
187	9-13	Change “The governing docket – or, the -- our view the governing document” to “Our view is that the governing document”	Clarification
190	15	Change “we” to “it’d be”	Transcription Error
192	2	Change “hem” to “him”	Transcription Error
194	7	Change “what we’re doing” to “where we’re going”	Transcription Error
196	19	Change “per” to “for”	Transcription Error
196	23	Change “2013” to 13 th ”	Clarification
196	23	Change “2012” to 12 th ”	Clarification
198	12	Change “daily” to “detail”	Transcription Error
206	15	Change “where it’s” to “was”	Transcription Error

209	19	Change “doc” to “document”	Transcription Error
209	21	Change “hundred” to “hundred thousand”	Transcription Error
210	19	Change “borrow” to “borrower”	Transcription Error
211	20	Change “understand” to “understand correctly”	Transcription Error
212	16	Change “when” to “then when”	Transcription Error
214	12	Change “in market” to “in the market”	Transcription Error
216	21	Change “that” to “what that”	Transcription Error
217	6	Change “would” to “it would”	Transcription Error
217	10	Change “This” to “That”	Transcription Error
219	24	Change “time” to “some time”	Transcription Error
222	5	Change “form” to “the form”	Transcription Error
222	16	Change “debtor” to “debtors”	Transcription Error
225	4	Change “you count” to “your account”	Transcription Error
226	18	Change “Richard’s” to “Richard Chang’s”	Transcription Error
227	17	Change “the” to “there’s a”	Transcription Error
231	6	Change “market” to “markets”	Transcription Error
233	2	Change “is what came up in” to “would have been within”	Transcription Error
233	4	Change “documents” to “documents just because they’re referenced”	Transcription Error
233	6	Change “It’s quoting” to “I mean it’s quoting”	Transcription Error
234	7	Change “letter/line” to “line/letter”	Transcription Error
236	19	Change “in” to “from”	Transcription Error
237	12	Change “automated” to “automated collateral”	Transcription Error
237	22	Change “creditor” to “credit for”	Transcription Error
238	14	Change “collateral” to “collateral conversion”	Transcription Error
238	15	Change “raises” to “raise”	Transcription Error
240	7	Change “managed” to “knows”	Transcription Error
244	5	Change “AC’s” to “3AC’s”	Transcription Error
244	8	Change “form” to “the form”	Transcription Error
246	12	Change “million” to “millions”	Transcription Error
247	11	Change “for” to “of”	Transcription Error
249	6	Change “500” to “500 million”	Transcription Error
249	19	Change “pay” to “peg”	Transcription Error
249	7	Change “twap” to “swap”	Transcription Error
250	9	Change “which” to “in which”	Transcription Error

251	12	Change "are" to "would've been"	Transcription Error
251	14	Change "public" to "the public"	Transcription Error
251	20	Change "sale" to "the sale"	Transcription Error
253	8	Change "resolution" to "row limit"	Transcription Error
253	10	Change "sort of" to "start to"	Transcription Error
253	11	Change "that are" to "over"	Transcription Error
253	11	Change "res" to "rows"	Transcription Error
253	17	Change "cull" to "pull"	Transcription Error
255	21	Change "the" to "from the"	Transcription Error
256	16	Change "with" to "without"	Clarification

Dated: October 22, 2024

Robert E. Gordon

Robert Gordon

State of Texas County of Travis
 Subscribed and sworn before me on 10/23/24
 (Date)
[Signature]
 (Notary Signature)

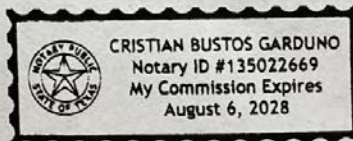


EXHIBIT 15

From: Beller, Benjamin S. <bellerb@sullcrom.com>
Sent: Sunday, September 22, 2024 10:32 PM
To: Ikeda, Tiffany (CC); Liu, Sienna; Glueckstein, Brian D.; Keeley, Julian M.
Cc: Goldberg, Adam (NY); Mohebbi, Nima (LA); Harris, Christopher (NY); Taousse, Nacif (NY); Zhao, Zijun (NY); Wadier, Sebastien (LA); Rosen, Brian (NY)
Subject: RE: FTX/3AC

Tiffany – we confirm receipt of your follow up requests from the deposition and as stated we are taking them under advisement. However, we do not agree to respond to the requests on your artificial and unnecessarily burdensome timeline. We will respond as appropriate in due course, including with respect to the appropriateness of your requests given the procedural status of the claim dispute.

In the interim, please note that, as we expect you are aware, many of the former employees that may have knowledge of the FTX Debtors' pre-petition relationship with 3AC either have been convicted of or are under indictment for federal crimes which has implications for their accessibility.

Finally, we disagree with your asserted basis for purporting to keep Mr. Gordon's deposition open, consider the deposition closed, will not present him or any other witness for further examination pursuant to Rule 30(b)(6) without a court order, and reserve all rights with respect thereto.

Benjamin S. Beller
[+1 212 558 3334](tel:+12125583334) (T) | [+1 917 660 0174](tel:+19176600174) (M)

From: Tiffany.Ikeda@lw.com <Tiffany.Ikeda@lw.com>
Sent: Friday, September 20, 2024 3:32 PM
To: Beller, Benjamin S. <bellerb@sullcrom.com>; Liu, Sienna <lius@sullcrom.com>; Glueckstein, Brian D. <gluecksteinb@sullcrom.com>; Keeley, Julian M. <keeleyj@sullcrom.com>
Cc: Adam.Goldberg@lw.com; nima.mohebbi@lw.com; CHRISTOPHER.HARRIS@lw.com; Nacif.Taousse@lw.com; Zijun.Zhao@lw.com; Sebastien.Wadier@lw.com; Brian.Rosen@lw.com
Subject: [EXTERNAL] RE: FTX/3AC

S&C team,

Thank you for your and Mr. Gordon's time during yesterday's deposition. As previewed then, we have certain follow-up items. They are set forth below:

- We request that the Debtors produce no later than **Monday, September 23** the documents that Robert Gordon reviewed to prepare for his deposition, including:
 - The three "publicly available" documents referenced in the deposition, which we understand related to: (1) collateral management; (2) liquidation process; and (3) spot-margin trading program.
 - Any versions of internal A&M presentations or other work product referenced in the deposition that Mr. Gordon reviewed, which we understand to be at least two, with one prepared around September 10, 2024.

- We request that the Debtors conduct a new search for and produce, no later than **Friday, September 27**, all communications with or concerning 3AC between June 1 and 30, 2024, including but not limited to the messages sent by Zane Tackett referenced in the exhibits from yesterday's deposition, FTX_3AC_000000350 and 1394.
- Please confirm, no later than **Monday, September 23**, that Debtors' counsel represents the FTX developer named "[REDACTED]," and if so, provide his availability for a deposition. Mr. Gordon relied on a conversation with [REDACTED] for the very limited testimony he was able to offer concerning the disposition of 3AC's assets. If you do not represent [REDACTED], please provide his last known contact information.
- Please provide, no later than **Monday, September 23**, the last known contact information for Zane Tackett, Caroline Ellison, and the other FTX employees listed in FTX_3AC_000001594. Mr. Gordon's testimony made clear that Debtors have made no efforts to contact former employees with relevant knowledge of their relationship with 3AC. As a result, 3AC may need to depose these former employees itself.

As agreed, 3AC will deliver to the S&C team an amended proof of claim on October 4, 2024 (i.e., in 2 weeks). Depending on the discovery items produced in connection with the above, what we learn from those items, and when they are produced, we may require more time to amend.

We further reiterate that the deponent was not adequately prepared for yesterday's deposition. The deponent was unprepared to testify to, *inter alia*, 3AC's relationship with FTX (Topic No. 1), the composition of 3AC's "negative USD balances" (Topic No. 5), or the disposition of 3AC's assets (Topic No. 5) because, among other reasons, the Debtors made no attempt to contact anyone with personal knowledge of the deposition topics. As we stated on the record, we are accordingly holding his deposition open and reserve all rights.

Regards,
Tiffany

Tiffany M. Ikeda

LATHAM & WATKINS LLP

10250 Constellation Blvd. Suite 1100 | Los Angeles, CA 90067
D: +1.424.653.5416 | M: +1.213.507.4609

From: Ikeda, Tiffany (CC)

Sent: Friday, September 13, 2024 2:59 PM

To: 'Beller, Benjamin S.' <bellerb@sullcrom.com>; Liu, Sienna <lius@sullcrom.com>; Glueckstein, Brian D. <gluecksteinb@sullcrom.com>; Keeley, Julian M. <keeleyj@sullcrom.com>

Cc: Goldberg, Adam (NY) <Adam.Goldberg@lw.com>; Mohebbi, Nima (LA) <nima.mohebbi@lw.com>; Harris, Christopher (NY) <CHRISTOPHER.HARRIS@lw.com>; Taousse, Nacif (NY) <Nacif.Taousse@lw.com>; Zhao, Zijun (NY) <Zijun.Zhao@lw.com>; Wadier, Sebastien (LA) <Sebastien.Wadier@lw.com>; Rosen, Brian (NY) <Brian.Rosen@lw.com>

Subject: RE: FTX/3AC

Hi Benjamin,

That works for us. We will plan on starting at 9 am ET on Thursday.

Tiffany

Tiffany M. Ikeda

LATHAM & WATKINS LLP

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From: Beller, Benjamin S. <bellerb@sullcrom.com>
Sent: Friday, September 13, 2024 2:00 PM
To: Ikeda, Tiffany (CC) <Tiffany.Ikeda@lw.com>; Liu, Sienna <lius@sullcrom.com>; Glueckstein, Brian D. <gluecksteinb@sullcrom.com>; Keeley, Julian M. <keeleyj@sullcrom.com>
Cc: Goldberg, Adam (NY) <Adam.Goldberg@lw.com>; Mohebbi, Nima (LA) <nima.mohebbi@lw.com>; Harris, Christopher (NY) <CHRISTOPHER.HARRIS@lw.com>; Taousse, Nacif (NY) <Nacif.Taousse@lw.com>; Zhao, Zijun (NY) <Zijun.Zhao@lw.com>; Wadier, Sebastien (LA) <Sebastien.Wadier@lw.com>; Rosen, Brian (NY) <Brian.Rosen@lw.com>
Subject: RE: FTX/3AC

Understood, in that case we suggest starting at 9 ET

Benjamin S. Beller
[+1 212 558 3334](tel:+12125583334) (T) | [+1 917 660 0174](tel:+19176600174) (M)

From: Tiffany.Ikeda@lw.com <Tiffany.Ikeda@lw.com>
Sent: Friday, September 13, 2024 4:51 PM
To: Beller, Benjamin S. <bellerb@sullcrom.com>; Liu, Sienna <lius@sullcrom.com>; Glueckstein, Brian D. <gluecksteinb@sullcrom.com>; Keeley, Julian M. <keeleyj@sullcrom.com>
Cc: Adam.Goldberg@lw.com; nima.mohebbi@lw.com; CHRISTOPHER.HARRIS@lw.com; Nacif.Taousse@lw.com; Zijun.Zhao@lw.com; Sebastien.Wadier@lw.com; Brian.Rosen@lw.com
Subject: [EXTERNAL] RE: FTX/3AC

Hi Ben,

We agree to the scheduling proposal in your email for 3AC's amended proof of claim.

Thanks for providing the deponent's name and list of attendees for Thursday's deposition. We are fine with starting at 10 am ET. We are not sure how long the deposition will take, but please have the witness be prepared to stay all day if needed. We will plan on providing lunch so we can be efficient with our breaks.

Best,
Tiffany

Tiffany M. Ikeda

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From: Beller, Benjamin S. <bellerb@sullcrom.com>
Sent: Friday, September 13, 2024 10:01 AM
To: Ikeda, Tiffany (CC) <Tiffany.Ikeda@lw.com>; Liu, Sienna <lius@sullcrom.com>; Glueckstein, Brian D. <gluecksteinb@sullcrom.com>; Keeley, Julian M. <keeleyj@sullcrom.com>
Cc: Goldberg, Adam (NY) <Adam.Goldberg@lw.com>; Mohebbi, Nima (LA) <nima.mohebbi@lw.com>; Harris, Christopher (NY) <CHRISTOPHER.HARRIS@lw.com>; Taousse, Nacif (NY) <Nacif.Taousse@lw.com>; Zhao, Zijun (NY) <Zijun.Zhao@lw.com>; Wadier, Sebastien (LA) <Sebastien.Wadier@lw.com>; Rosen, Brian (NY) <Brian.Rosen@lw.com>
Subject: RE: FTX/3AC

Tiffany – your scheduling proposal works for us except the pending claim objection should be adjourned to the December 12 omnibus hearing (not sine die), with your opposition due on November 20. This will provide time for any dispute about an amended claim to be resolved but keeping the objection on calendar. And to be clear this schedule would apply to the original claim/claim objection with a new schedule to be evaluated in the event you validly file an amended claim.

Our 30b6 witness is Robert Gordon from A&M. For security, it will be me, Brian Glueckstein and Sienna Liu in attendance. Should we plan to start the deposition at 10 am ET? And do you have a sense of how much time you expect to need with the witness?

Thanks,

Benjamin S. Beller

+1 212 558 3334 (T) | +1 917 660 0174 (M)

From: Tiffany.lkeda@lw.com <Tiffany.lkeda@lw.com>

Sent: Monday, September 9, 2024 7:50 PM

To: Beller, Benjamin S. <bellerb@sullcrom.com>; Liu, Sienna <lius@sullcrom.com>; Glueckstein, Brian D. <gluecksteinb@sullcrom.com>; Keeley, Julian M. <keeleyj@sullcrom.com>

Cc: Adam.Goldberg@lw.com; nima.mohebbi@lw.com; CHRISTOPHER.HARRIS@lw.com; Nacif.Taousse@lw.com; Zijun.Zhao@lw.com; Sebastien.Wadier@lw.com; Brian.Rosen@lw.com

Subject: [EXTERNAL] RE: FTX/3AC

Counsel,

We write concerning the upcoming deposition and a proposal for 3AC's amended proof of claim.

FTX 30(b)(6) Deposition

For the deposition at Latham's NY office on September 19, please let us know the name of the witness(es) who will be testifying on Topics 1-10 and 12-16. Please also provide the names of any other attendees no later than September 18 so we can add them to the security list.

3AC's Amended Proof of Claim

You will recall that when we previously corresponded regarding scheduling of the 3AC claim objection matters, FTX provided an extension of 3AC's response deadline for the claim objection commensurate with the adjournment of hearing.

With our deposition now being scheduled, we propose the following process in an effort to move forward in an efficient manner.

- Adjourn 3AC's deadline to object to FTX's objection to 3AC's proof of claim to a date to be determined.
- September 19 – deposition of FTX representative
- October 4 – deadline for 3AC to deliver amended proof of claim to FTX (for avoidance of doubt, not file with the bankruptcy court)
- FTX will then respond on whether it will agree that 3AC may amend its proof of claim (subject to the right to object).
 - If FTX accepts the filing of the amended proof of claim, the parties enter into a stipulation stating that the filing of the amended claim is acceptable. FTX may then object to the amended proof of claim, with further proceedings to be determined at that stage.

- If FTX declines to agree to filing of the amended proof of claim, 3AC will file a motion to amend the claim with further proceedings within 10 calendar days of receipt of written notice (via email) of FTX's decision, and further proceedings on the claim objection would be determined at the time of the court's ruling on the motion to amend.

Please let us know if this proposal is acceptable at your earliest convenience. We are available to discuss / meet & confer.

Best,
Tiffany

Tiffany M. Ikeda

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10250 Constellation Blvd. Suite 1100 | Los Angeles, CA 90067
D: +1.424.653.5416 | M: +1.213.507.4609

From: Ikeda, Tiffany (CC)

Sent: Wednesday, September 4, 2024 6:23 PM

To: 'Beller, Benjamin S.' <bellerb@sullcrom.com>; Liu, Sienna <lius@sullcrom.com>; Glueckstein, Brian D. <gluecksteinb@sullcrom.com>

Cc: Goldberg, Adam (NY) <Adam.Goldberg@lw.com>; Mohebbi, Nima (LA) <nima.mohebbi@lw.com>; Harris, Christopher (NY) <CHRISTOPHER.HARRIS@lw.com>; Taousse, Nacif (NY) <Nacif.Taousse@lw.com>; Zhao, Zijun (NY) <Zijun.Zhao@lw.com>; Wadier, Sebastien (LA) <Sebastien.Wadier@lw.com>; Rosen, Brian (NY) <Brian.Rosen@lw.com>; Keeley, Julian M. <keeleyj@sullcrom.com>

Subject: RE: FTX/3AC

Hi Benjamin,

We will plan on taking the deposition of the Debtors' 30(b)(6) witness on September 19 at Latham's office in NY.

Best,
Tiffany

Tiffany M. Ikeda

LATHAM & WATKINS LLP

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D: +1.424.653.5416 | M: +1.213.507.4609

From: Beller, Benjamin S. <bellerb@sullcrom.com>

Sent: Tuesday, September 3, 2024 10:22 AM

To: Liu, Sienna <lius@sullcrom.com>; Ikeda, Tiffany (CC) <Tiffany.Ikeda@lw.com>; Glueckstein, Brian D. <gluecksteinb@sullcrom.com>

Cc: Goldberg, Adam (NY) <Adam.Goldberg@lw.com>; Mohebbi, Nima (LA) <nima.mohebbi@lw.com>; Harris, Christopher (NY) <CHRISTOPHER.HARRIS@lw.com>; Taousse, Nacif (NY) <Nacif.Taousse@lw.com>; Zhao, Zijun (NY) <Zijun.Zhao@lw.com>; Wadier, Sebastien (LA) <Sebastien.Wadier@lw.com>; Rosen, Brian (NY) <Brian.Rosen@lw.com>; Keeley, Julian M. <keeleyj@sullcrom.com>

Subject: RE: FTX/3AC

And further to the below, we can make our 30b6 witness available for deposition at S&C's offices in NY on either September 18 or 19th. Please let us know.

Benjamin S. Beller

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From: Liu, Sienna <lius@sullcrom.com>

Sent: Tuesday, September 3, 2024 10:07 AM

To: Tiffany.lkeda@lw.com; Beller, Benjamin S. <bellerb@sullcrom.com>; Glueckstein, Brian D.

<gluecksteinb@sullcrom.com>

Cc: Adam.Goldberg@lw.com; nima.mohebbi@lw.com; CHRISTOPHER.HARRIS@lw.com; Nacif.Taousse@lw.com;

Zijun.Zhao@lw.com; Sebastien.Wadier@lw.com; Brian.Rosen@lw.com; Keeley, Julian M. <keeleyj@sullcrom.com>

Subject: RE: FTX/3AC

Counsel,

Please see attached (I) the Debtors' responses and objections to 3AC's second set of discovery requests directed to the Debtors on August 7, 2024; and (II) the Debtors' supplemental responses and objections to 3AC's first set of interrogatories directed to the Debtors on July 26, 2024.

Best,
Sienna

Sienna Liu

T: (212)558-4087

From: Liu, Sienna

Sent: Wednesday, August 28, 2024 8:38 PM

To: Tiffany.lkeda@lw.com; Beller, Benjamin S. <bellerb@sullcrom.com>; Glueckstein, Brian D.

<gluecksteinb@sullcrom.com>

Cc: Adam.Goldberg@lw.com; nima.mohebbi@lw.com; CHRISTOPHER.HARRIS@lw.com; Nacif.Taousse@lw.com;

Zijun.Zhao@lw.com; Sebastien.Wadier@lw.com; Brian.Rosen@lw.com

Subject: RE: FTX/3AC

Counsel,

We are working on responses to your second set of discovery requests, and will revert soon.

For the deposition, we are confirming dates for September, and will get back to you. We will present a witness subject to all our objections, including both general and specific objections, as set out in our July 26, 2024 R&Os to your first set of discovery requests and the attached supplemental R&Os to the deposition notice, with the exception of Topic No. 11 (on loans made by Voyager to 3AC).

Best,
Sienna

Sienna Liu

T: (212)558-4087

From: Tiffany.lkeda@lw.com <Tiffany.lkeda@lw.com>

Sent: Tuesday, August 27, 2024 8:27 PM

To: Beller, Benjamin S. <bellerb@sullcrom.com>; Glueckstein, Brian D. <gluecksteinb@sullcrom.com>; Liu, Sienna <lius@sullcrom.com>
Cc: Adam.Goldberg@lw.com; nima.mohebbi@lw.com; CHRISTOPHER.HARRIS@lw.com; Nacif.Taousse@lw.com; Zijun.Zhao@lw.com; Sebastien.Wadier@lw.com; Brian.Rosen@lw.com
Subject: [EXTERNAL] RE: FTX/3AC

Counsel,

In your email dated August 15, you said you anticipated responding to our second set of discovery requests by the end of last week. We have not received the Debtors' responses. Can you please let us know when you anticipate serving them?

Also, please let us know when FTX's 30(b)(6) witness(es) will be available for deposition the week of September 9. We expect FTX's witness(es) to be prepared on all topics listed in 3AC's July 10, 2024 deposition notice, including Topics 11-16 for which FTX did not serve any objections.

Tiffany

Tiffany M. Ikeda

LATHAM & WATKINS LLP

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From: Beller, Benjamin S. <bellerb@sullcrom.com>
Sent: Thursday, August 15, 2024 6:54 AM
To: Ikeda, Tiffany (CC) <Tiffany.Ikeda@lw.com>; Glueckstein, Brian D. <gluecksteinb@sullcrom.com>; Liu, Sienna <lius@sullcrom.com>
Cc: Goldberg, Adam (NY) <Adam.Goldberg@lw.com>; Mohebbi, Nima (LA) <nima.mohebbi@lw.com>; Harris, Christopher (NY) <CHRISTOPHER.HARRIS@lw.com>; Taousse, Nacif (NY) <Nacif.Taousse@lw.com>; Zhao, Zijun (NY) <Zijun.Zhao@lw.com>; Wadier, Sebastien (LA) <Sebastien.Wadier@lw.com>; Rosen, Brian (NY) <Brian.Rosen@lw.com>
Subject: RE: FTX/3AC

We anticipate responding to your second set of discovery requests by the end of next week. Given the calendar and schedules, we will get back to you on dates in the first two weeks of September for a deposition. We agree to adjourn the hearing on our claim objection to the October omnibus hearing with a corresponding extension of 3AC's response deadline.

The FTX Debtors do not consent to 3AC filing an amended proof of claim and will oppose any relief sought from the Court for leave to do so. It is especially difficult for us to even consider consenting when you have not articulated any claim that you believe is properly asserted against the FTX Debtors, or a basis for leave to amend. We are willing to consider a request for consent to an amended claim if and when you did so. Otherwise, we suggest you file any motion to amend the claim so the Court can address it. We do not agree that needs to or should wait until your discovery efforts are completed, and that process should proceed in parallel.

Benjamin S. Beller
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From: Tiffany.Ikeda@lw.com <Tiffany.Ikeda@lw.com>
Sent: Tuesday, August 13, 2024 6:25 PM
To: Beller, Benjamin S. <bellerb@sullcrom.com>; Glueckstein, Brian D. <gluecksteinb@sullcrom.com>; Liu, Sienna

<lius@sullcrom.com>

Cc: Adam.Goldberg@lw.com; nima.mohebbi@lw.com; CHRISTOPHER.HARRIS@lw.com; Nacif.Taousse@lw.com; Zijun.Zhao@lw.com; Sebastien.Wadier@lw.com; Brian.Rosen@lw.com

Subject: [EXTERNAL] RE: FTX/3AC

Counsel,

I am writing to discuss depo scheduling, FTX's discovery responses, 3AC's forthcoming amended proof of claim, and 3AC's objection to the plan.

1. **Deposition Scheduling:** On August 1 and 7, we asked you to check on whether FTX's 30(b)(6) witness would be available for deposition the week of August 19. We have not heard back. Please let us know if FTX's witness is available for deposition on August 21 or 22.
2. **FTX Discovery Responses:** On August 7, we served 3AC's second set of discovery consisting of one RFA, one RFP, and two interrogatories, and set the response date for August 13 at 5 pm ET. As that deadline has now passed, please let us know when you anticipate being able to provide a substantive response to the discovery. As you may expect, we will need responses at least five days before we take FTX's 30(b)(6) depo.
3. **3AC's Forthcoming Amended Proof of Claim:** As we discussed on August 1, our plan is to amend 3AC's proof of claim after we take FTX's deposition. Will you consent to our filing of an amended proof of claim? Alternatively, we will need to push back the claim objection deadline further to allow sufficient time to complete the deposition, file our amended proof of claim, and then have a hearing on a motion to amend our proof of claim before our response to the claim objection is due.
4. **3AC's Objection to the Plan:** We are planning on filing a limited objection to the plan on the grounds that it does not provide for a reserve for disputed claims in an amount sufficient to meet the requirements of section 1123(a)(4) of the Bankruptcy Code to provide equal distributions for all creditors in the same class. We are open to working with you on a resolution that provides notice of the amount of reserves and an opportunity for the parties to be heard (if necessary) or reaching an agreement on an extension of the objection deadline, in light of our ongoing work towards a claim resolution.

We suggest a meet and confer on Wednesday afternoon (ET) or anytime Thursday. Please let us know what works for you.

Tiffany

Tiffany M. Ikeda

LATHAM & WATKINS LLP

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From: Ikeda, Tiffany (CC)

Sent: Wednesday, August 7, 2024 10:17 AM

To: 'Beller, Benjamin S.' <bellerb@sullcrom.com>; 'Glueckstein, Brian D.' <gluecksteinb@sullcrom.com>; 'Liu, Sienna' <lius@sullcrom.com>

Cc: Goldberg, Adam (NY) <Adam.Goldberg@lw.com>; Mohebbi, Nima (LA) <nima.mohebbi@lw.com>; Harris, Christopher (NY) <CHRISTOPHER.HARRIS@lw.com>; Taousse, Nacif (NY) <Nacif.Taousse@lw.com>; Zhao, Zijun (NY) <Zijun.Zhao@lw.com>; Wadier, Sebastien (LA) <Sebastien.Wadier@lw.com>

Subject: FTX/3AC

Counsel,

Please see the attached discovery requests. We have set these for a return date of August 13, but please let us know if you need more time and if so, when you anticipate being able to provide a substantive response.

During our call last Thursday, we discussed FTX's objections and responses to 3AC's discovery requests. You said that although FTX's responses to the deposition topics only agreed to meet and confer, FTX was willing to put up a witness on all topics, with the caveat that you can only educate the witness based on what is known from the documents. As such, we requested that you check on the witness's availability for deposition the week of August 19. Can you please let us know if there are dates during that week that would work for a deposition?

Lastly, we appreciate your offer to work with us on providing the information in FTX_3AC_000000002 in a useable format. Teneo is trying to address this issue, but we will circle back if we need further assistance.

Best,
Tiffany

Tiffany M. Ikeda

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10250 Constellation Blvd. Suite 1100

Los Angeles, CA 90067

Direct Dial: +1.424.653.5416

Email: tiffany.ikeda@lw.com

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****This is an external message from: Tiffany.Ikeda@lw.com ****

This e-mail is sent by a law firm and contains information that may be privileged and confidential. If you are not the intended recipient, please delete the e-mail and notify us immediately.

EXHIBIT 16

From: Ikeda, Tiffany (CC)
Sent: Monday, September 30, 2024 5:10 PM
To: Beller, Benjamin S.; Liu, Sienna; Glueckstein, Brian D.; Keeley, Julian M.
Cc: Goldberg, Adam (NY); Mohebbi, Nima (LA); Harris, Christopher (NY); Taousse, Nacif (NY); Zhao, Zijun (NY); Wadier, Sebastien (LA); Rosen, Brian (NY)
Subject: RE: FTX/3AC

Counsel,

We are still waiting for a substantive response to my September 20 email. As one point of clarification, our request for communications with or concerning 3AC between June 1 and 30, 2022 includes messages from FTX employees' personal Telegram, Signal, and other messaging accounts. At deposition, Mr. Gordon testified that the Debtors have not attempted to collect messages from any FTX employees' Telegram or other personal messaging accounts. To the extent the Debtors take the position that these are not in their possession, custody, or control, please let us know.

Tiffany

Tiffany M. Ikeda

LATHAM & WATKINS LLP
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From: Ikeda, Tiffany (CC)
Sent: Friday, September 27, 2024 9:40 AM
To: 'Beller, Benjamin S.' <bellerb@sullcrom.com>; 'Liu, Sienna' <lius@sullcrom.com>; 'Glueckstein, Brian D.' <gluecksteinb@sullcrom.com>; 'Keeley, Julian M.' <keeleyj@sullcrom.com>
Cc: Goldberg, Adam (NY) <Adam.Goldberg@lw.com>; Mohebbi, Nima (LA) <nima.mohebbi@lw.com>; Harris, Christopher (NY) <CHRISTOPHER.HARRIS@lw.com>; Taousse, Nacif (NY) <Nacif.Taousse@lw.com>; Zhao, Zijun (NY) <Zijun.Zhao@lw.com>; Wadier, Sebastien (LA) <Sebastien.Wadier@lw.com>; Rosen, Brian (NY) <Brian.Rosen@lw.com>
Subject: RE: FTX/3AC

Hi Benjamin,

We have yet to receive the information and documents requested below, or any response from your team. As a result, and as stated in our last note, we will now require more time beyond October 4 to amend the proof of claim. How much additional time is required will depend on when the requested information is received.

We're happy to discuss as needed.

Tiffany

Tiffany M. Ikeda

LATHAM & WATKINS LLP
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From: Ikeda, Tiffany (CC)

Sent: Tuesday, September 24, 2024 4:29 PM

To: 'Beller, Benjamin S.' <bellerb@sullcrom.com>; Liu, Sienna <lius@sullcrom.com>; Glueckstein, Brian D. <gluecksteinb@sullcrom.com>; Keeley, Julian M. <keeleyj@sullcrom.com>

Cc: Goldberg, Adam (NY) <Adam.Goldberg@lw.com>; Mohebbi, Nima (LA) <nima.mohebbi@lw.com>; Harris, Christopher (NY) <CHRISTOPHER.HARRIS@lw.com>; Taousse, Nacif (NY) <Nacif.Taousse@lw.com>; Zhao, Zijun (NY) <Zijun.Zhao@lw.com>; Wadier, Sebastien (LA) <Sebastien.Wadier@lw.com>; Rosen, Brian (NY) <Brian.Rosen@lw.com>

Subject: RE: FTX/3AC

Hi Benjamin,

Please let us know what follow up requests you anticipate responding to and when we can expect to receive documents/information. We need this for our amended proof of claim, which is currently due to be delivered to the S&C team on **October 4**. To the extent we do not receive the requested documents/information, including any deposition, if necessary, sufficiently in advance (and no later than **Thursday, September 26**), we will require additional time to provide the proof of claim. We can discuss further if it becomes necessary, but we note that our requests are far from burdensome and can be delivered easily: three publicly available documents we have asked you to identify, chats that can be found via a search on Relativity, and the already-prepared A&M work product relied upon to prepare for the deposition.

With respect to last week's deposition, we understand that the parties are at an impasse on whether the deposition is open, and we reserve all rights.

Tiffany

Tiffany M. Ikeda

LATHAM & WATKINS LLP

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From: Beller, Benjamin S. <bellerb@sullcrom.com>

Sent: Sunday, September 22, 2024 7:32 PM

To: Ikeda, Tiffany (CC) <Tiffany.Ikeda@lw.com>; Liu, Sienna <lius@sullcrom.com>; Glueckstein, Brian D. <gluecksteinb@sullcrom.com>; Keeley, Julian M. <keeleyj@sullcrom.com>

Cc: Goldberg, Adam (NY) <Adam.Goldberg@lw.com>; Mohebbi, Nima (LA) <nima.mohebbi@lw.com>; Harris, Christopher (NY) <CHRISTOPHER.HARRIS@lw.com>; Taousse, Nacif (NY) <Nacif.Taousse@lw.com>; Zhao, Zijun (NY) <Zijun.Zhao@lw.com>; Wadier, Sebastien (LA) <Sebastien.Wadier@lw.com>; Rosen, Brian (NY) <Brian.Rosen@lw.com>

Subject: RE: FTX/3AC

Tiffany – we confirm receipt of your follow up requests from the deposition and as stated we are taking them under advisement. However, we do not agree to respond to the requests on your artificial and unnecessarily burdensome timeline. We will respond as appropriate in due course, including with respect to the appropriateness of your requests given the procedural status of the claim dispute.

In the interim, please note that, as we expect you are aware, many of the former employees that may have knowledge of the FTX Debtors' pre-petition relationship with 3AC either have been convicted of or are under indictment for federal crimes which has implications for their accessibility.

Finally, we disagree with your asserted basis for purporting to keep Mr. Gordon's deposition open, consider the deposition closed, will not present him or any other witness for further examination pursuant to Rule 30(b)(6) without a court order, and reserve all rights with respect thereto.

Benjamin S. Beller

+1 212 558 3334 (T) | +1 917 660 0174 (M)

From: Tiffany.lkeda@lw.com <Tiffany.lkeda@lw.com>

Sent: Friday, September 20, 2024 3:32 PM

To: Beller, Benjamin S. <bellerb@sullcrom.com>; Liu, Sienna <lius@sullcrom.com>; Glueckstein, Brian D. <gluecksteinb@sullcrom.com>; Keeley, Julian M. <keeleyj@sullcrom.com>

Cc: Adam.Goldberg@lw.com; nima.mohebbi@lw.com; CHRISTOPHER.HARRIS@lw.com; Nacif.Taousse@lw.com; Zijun.Zhao@lw.com; Sebastien.Wadier@lw.com; Brian.Rosen@lw.com

Subject: [EXTERNAL] RE: FTX/3AC

S&C team,

Thank you for your and Mr. Gordon's time during yesterday's deposition. As previewed then, we have certain follow-up items. They are set forth below:

- We request that the Debtors produce no later than **Monday, September 23** the documents that Robert Gordon reviewed to prepare for his deposition, including:
 - The three "publicly available" documents referenced in the deposition, which we understand related to: (1) collateral management; (2) liquidation process; and (3) spot-margin trading program.
 - Any versions of internal A&M presentations or other work product referenced in the deposition that Mr. Gordon reviewed, which we understand to be at least two, with one prepared around September 10, 2024.
- We request that the Debtors conduct a new search for and produce, no later than **Friday, September 27**, all communications with or concerning 3AC between June 1 and 30, 2024, including but not limited to the messages sent by Zane Tackett referenced in the exhibits from yesterday's deposition, FTX_3AC_000000350 and 1394.
- Please confirm, no later than **Monday, September 23**, that Debtors' counsel represents the FTX developer named "[REDACTED]," and if so, provide his availability for a deposition. Mr. Gordon relied on a conversation with [REDACTED] for the very limited testimony he was able to offer concerning the disposition of 3AC's assets. If you do not represent [REDACTED], please provide his last known contact information.
- Please provide, no later than **Monday, September 23**, the last known contact information for Zane Tackett, Caroline Ellison, and the other FTX employees listed in FTX_3AC_000001594. Mr. Gordon's testimony made clear that Debtors have made no efforts to contact former employees with relevant knowledge of their relationship with 3AC. As a result, 3AC may need to depose these former employees itself.

As agreed, 3AC will deliver to the S&C team an amended proof of claim on October 4, 2024 (i.e., in 2 weeks). Depending on the discovery items produced in connection with the above, what we learn from those items, and when they are produced, we may require more time to amend.

We further reiterate that the deponent was not adequately prepared for yesterday's deposition. The deponent was unprepared to testify to, *inter alia*, 3AC's relationship with FTX (Topic No. 1), the composition of 3AC's "negative USD balances" (Topic No. 5), or the disposition of 3AC's assets (Topic No. 5) because, among other reasons, the Debtors made no attempt to contact anyone with personal knowledge of the deposition topics. As we stated on the record, we are accordingly holding his deposition open and reserve all rights.

Regards,
Tiffany

Tiffany M. Ikeda

LATHAM & WATKINS LLP

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From: Ikeda, Tiffany (CC)

Sent: Friday, September 13, 2024 2:59 PM

To: 'Beller, Benjamin S.' <bellerb@sullcrom.com>; Liu, Sienna <lius@sullcrom.com>; Glueckstein, Brian D. <gluecksteinb@sullcrom.com>; Keeley, Julian M. <keeleyj@sullcrom.com>

Cc: Goldberg, Adam (NY) <Adam.Goldberg@lw.com>; Mohebbi, Nima (LA) <nima.mohebbi@lw.com>; Harris, Christopher (NY) <CHRISTOPHER.HARRIS@lw.com>; Taousse, Nacif (NY) <Nacif.Taousse@lw.com>; Zhao, Zijun (NY) <Zijun.Zhao@lw.com>; Wadier, Sebastien (LA) <Sebastien.Wadier@lw.com>; Rosen, Brian (NY) <Brian.Rosen@lw.com>

Subject: RE: FTX/3AC

Hi Benjamin,

That works for us. We will plan on starting at 9 am ET on Thursday.

Tiffany

Tiffany M. Ikeda

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D: +1.424.653.5416 | M: +1.213.507.4609

From: Beller, Benjamin S. <bellerb@sullcrom.com>

Sent: Friday, September 13, 2024 2:00 PM

To: Ikeda, Tiffany (CC) <Tiffany.Ikeda@lw.com>; Liu, Sienna <lius@sullcrom.com>; Glueckstein, Brian D. <gluecksteinb@sullcrom.com>; Keeley, Julian M. <keeleyj@sullcrom.com>

Cc: Goldberg, Adam (NY) <Adam.Goldberg@lw.com>; Mohebbi, Nima (LA) <nima.mohebbi@lw.com>; Harris, Christopher (NY) <CHRISTOPHER.HARRIS@lw.com>; Taousse, Nacif (NY) <Nacif.Taousse@lw.com>; Zhao, Zijun (NY) <Zijun.Zhao@lw.com>; Wadier, Sebastien (LA) <Sebastien.Wadier@lw.com>; Rosen, Brian (NY) <Brian.Rosen@lw.com>

Subject: RE: FTX/3AC

Understood, in that case we suggest starting at 9 ET

Benjamin S. Beller

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From: Tiffany.Ikeda@lw.com <Tiffany.Ikeda@lw.com>

Sent: Friday, September 13, 2024 4:51 PM

To: Beller, Benjamin S. <bellerb@sullcrom.com>; Liu, Sienna <lius@sullcrom.com>; Glueckstein, Brian D. <gluecksteinb@sullcrom.com>; Keeley, Julian M. <keeleyj@sullcrom.com>

Cc: Adam.Goldberg@lw.com; nima.mohebbi@lw.com; CHRISTOPHER.HARRIS@lw.com; Nacif.Taousse@lw.com; Zijun.Zhao@lw.com; Sebastien.Wadier@lw.com; Brian.Rosen@lw.com

Subject: [EXTERNAL] RE: FTX/3AC

Hi Ben,

We agree to the scheduling proposal in your email for 3AC's amended proof of claim.

Thanks for providing the deponent's name and list of attendees for Thursday's deposition. We are fine with starting at 10 am ET. We are not sure how long the deposition will take, but please have the witness be prepared to stay all day if needed. We will plan on providing lunch so we can be efficient with our breaks.

Best,
Tiffany

Tiffany M. Ikeda

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From: Beller, Benjamin S. <bellerb@sullcrom.com>
Sent: Friday, September 13, 2024 10:01 AM
To: Ikeda, Tiffany (CC) <Tiffany.Ikeda@lw.com>; Liu, Sienna <lius@sullcrom.com>; Glueckstein, Brian D. <gluecksteinb@sullcrom.com>; Keeley, Julian M. <keeleyj@sullcrom.com>
Cc: Goldberg, Adam (NY) <Adam.Goldberg@lw.com>; Mohebbi, Nima (LA) <nima.mohebbi@lw.com>; Harris, Christopher (NY) <CHRISTOPHER.HARRIS@lw.com>; Taousse, Nacif (NY) <Nacif.Taousse@lw.com>; Zhao, Zijun (NY) <Zijun.Zhao@lw.com>; Wadier, Sebastien (LA) <Sebastien.Wadier@lw.com>; Rosen, Brian (NY) <Brian.Rosen@lw.com>
Subject: RE: FTX/3AC

Tiffany – your scheduling proposal works for us except the pending claim objection should be adjourned to the December 12 omnibus hearing (not sine die), with your opposition due on November 20. This will provide time for any dispute about an amended claim to be resolved but keeping the objection on calendar. And to be clear this schedule would apply to the original claim/claim objection with a new schedule to be evaluated in the event you validly file an amended claim.

Our 30b6 witness is Robert Gordon from A&M. For security, it will be me, Brian Glueckstein and Sienna Liu in attendance. Should we plan to start the deposition at 10 am ET? And do you have a sense of how much time you expect to need with the witness?

Thanks,

Benjamin S. Beller
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From: Tiffany.Ikeda@lw.com <Tiffany.Ikeda@lw.com>
Sent: Monday, September 9, 2024 7:50 PM
To: Beller, Benjamin S. <bellerb@sullcrom.com>; Liu, Sienna <lius@sullcrom.com>; Glueckstein, Brian D. <gluecksteinb@sullcrom.com>; Keeley, Julian M. <keeleyj@sullcrom.com>
Cc: Adam.Goldberg@lw.com; nima.mohebbi@lw.com; CHRISTOPHER.HARRIS@lw.com; Nacif.Taousse@lw.com; Zijun.Zhao@lw.com; Sebastien.Wadier@lw.com; Brian.Rosen@lw.com
Subject: [EXTERNAL] RE: FTX/3AC

Counsel,

We write concerning the upcoming deposition and a proposal for 3AC's amended proof of claim.

FTX 30(b)(6) Deposition

For the deposition at Latham's NY office on September 19, please let us know the name of the witness(es) who will be testifying on Topics 1-10 and 12-16. Please also provide the names of any other attendees no later than September 18 so we can add them to the security list.

3AC's Amended Proof of Claim

You will recall that when we previously corresponded regarding scheduling of the 3AC claim objection matters, FTX provided an extension of 3AC's response deadline for the claim objection commensurate with the adjournment of hearing.

With our deposition now being scheduled, we propose the following process in an effort to move forward in an efficient manner.

- Adjourn 3AC's deadline to object to FTX's objection to 3AC's proof of claim to a date to be determined.
- September 19 – deposition of FTX representative
- October 4 – deadline for 3AC to deliver amended proof of claim to FTX (for avoidance of doubt, not file with the bankruptcy court)
- FTX will then respond on whether it will agree that 3AC may amend its proof of claim (subject to the right to object).
 - If FTX accepts the filing of the amended proof of claim, the parties enter into a stipulation stating that the filing of the amended claim is acceptable. FTX may then object to the amended proof of claim, with further proceedings to be determined at that stage.
 - If FTX declines to agree to filing of the amended proof of claim, 3AC will file a motion to amend the claim with further proceedings within 10 calendar days of receipt of written notice (via email) of FTX's decision, and further proceedings on the claim objection would be determined at the time of the court's ruling on the motion to amend.

Please let us know if this proposal is acceptable at your earliest convenience. We are available to discuss / meet & confer.

Best,
Tiffany

Tiffany M. Ikeda

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From: Ikeda, Tiffany (CC)

Sent: Wednesday, September 4, 2024 6:23 PM

To: 'Beller, Benjamin S.' <bellerb@sullcrom.com>; Liu, Sienna <lius@sullcrom.com>; Glueckstein, Brian D. <gluecksteinb@sullcrom.com>

Cc: Goldberg, Adam (NY) <Adam.Goldberg@lw.com>; Mohebbi, Nima (LA) <nima.mohebbi@lw.com>; Harris, Christopher (NY) <CHRISTOPHER.HARRIS@lw.com>; Taousse, Nacif (NY) <Nacif.Taousse@lw.com>; Zhao, Zijun (NY) <Zijun.Zhao@lw.com>; Wadier, Sebastien (LA) <Sebastien.Wadier@lw.com>; Rosen, Brian (NY) <Brian.Rosen@lw.com>; Keeley, Julian M. <keeleyj@sullcrom.com>

Subject: RE: FTX/3AC

Hi Benjamin,

We will plan on taking the deposition of the Debtors' 30(b)(6) witness on September 19 at Latham's office in NY.

Best,
Tiffany

Tiffany M. Ikeda

LATHAM & WATKINS LLP

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D: +1.424.653.5416 | M: +1.213.507.4609

From: Beller, Benjamin S. <bellerb@sullcrom.com>

Sent: Tuesday, September 3, 2024 10:22 AM

To: Liu, Sienna <lius@sullcrom.com>; Ikeda, Tiffany (CC) <Tiffany.Ikeda@lw.com>; Glueckstein, Brian D. <gluecksteinb@sullcrom.com>

Cc: Goldberg, Adam (NY) <Adam.Goldberg@lw.com>; Mohebbi, Nima (LA) <nima.mohebbi@lw.com>; Harris, Christopher (NY) <CHRISTOPHER.HARRIS@lw.com>; Taousse, Nacif (NY) <Nacif.Taousse@lw.com>; Zhao, Zijun (NY) <Zijun.Zhao@lw.com>; Wadier, Sebastien (LA) <Sebastien.Wadier@lw.com>; Rosen, Brian (NY) <Brian.Rosen@lw.com>; Keeley, Julian M. <keeleyj@sullcrom.com>

Subject: RE: FTX/3AC

And further to the below, we can make our 30b6 witness available for deposition at S&C's offices in NY on either September 18 or 19th. Please let us know.

Benjamin S. Beller

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From: Liu, Sienna <lius@sullcrom.com>

Sent: Tuesday, September 3, 2024 10:07 AM

To: Tiffany.Ikeda@lw.com; Beller, Benjamin S. <bellerb@sullcrom.com>; Glueckstein, Brian D. <gluecksteinb@sullcrom.com>

Cc: Adam.Goldberg@lw.com; nima.mohebbi@lw.com; CHRISTOPHER.HARRIS@lw.com; Nacif.Taousse@lw.com; Zijun.Zhao@lw.com; Sebastien.Wadier@lw.com; Brian.Rosen@lw.com; Keeley, Julian M. <keeleyj@sullcrom.com>

Subject: RE: FTX/3AC

Counsel,

Please see attached (I) the Debtors' responses and objections to 3AC's second set of discovery requests directed to the Debtors on August 7, 2024; and (II) the Debtors' supplemental responses and objections to 3AC's first set of interrogatories directed to the Debtors on July 26, 2024.

Best,
Sienna

Sienna Liu

T: (212)558-4087

From: Liu, Sienna

Sent: Wednesday, August 28, 2024 8:38 PM

To: Tiffany.Ikeda@lw.com; Beller, Benjamin S. <bellerb@sullcrom.com>; Glueckstein, Brian D.

<gluecksteinb@sullcrom.com>

Cc: Adam.Goldberg@lw.com; nima.mohebbi@lw.com; CHRISTOPHER.HARRIS@lw.com; Nacif.Taousse@lw.com; Zijun.Zhao@lw.com; Sebastien.Wadier@lw.com; Brian.Rosen@lw.com

Subject: RE: FTX/3AC

Counsel,

We are working on responses to your second set of discovery requests, and will revert soon.

For the deposition, we are confirming dates for September, and will get back to you. We will present a witness subject to all our objections, including both general and specific objections, as set out in our July 26, 2024 R&Os to your first set of discovery requests and the attached supplemental R&Os to the deposition notice, with the exception of Topic No. 11 (on loans made by Voyager to 3AC).

Best,
Sienna

Sienna Liu

T: (212)558-4087

From: Tiffany.Ikeda@lw.com <Tiffany.Ikeda@lw.com>

Sent: Tuesday, August 27, 2024 8:27 PM

To: Beller, Benjamin S. <bellerb@sullcrom.com>; Glueckstein, Brian D. <gluecksteinb@sullcrom.com>; Liu, Sienna <lius@sullcrom.com>

Cc: Adam.Goldberg@lw.com; nima.mohebbi@lw.com; CHRISTOPHER.HARRIS@lw.com; Nacif.Taousse@lw.com; Zijun.Zhao@lw.com; Sebastien.Wadier@lw.com; Brian.Rosen@lw.com

Subject: [EXTERNAL] RE: FTX/3AC

Counsel,

In your email dated August 15, you said you anticipated responding to our second set of discovery requests by the end of last week. We have not received the Debtors' responses. Can you please let us know when you anticipate serving them?

Also, please let us know when FTX's 30(b)(6) witness(es) will be available for deposition the week of September 9. We expect FTX's witness(es) to be prepared on all topics listed in 3AC's July 10, 2024 deposition notice, including Topics 11-16 for which FTX did not serve any objections.

Tiffany

Tiffany M. Ikeda

LATHAM & WATKINS LLP

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From: Beller, Benjamin S. <bellerb@sullcrom.com>

Sent: Thursday, August 15, 2024 6:54 AM

To: Ikeda, Tiffany (CC) <Tiffany.Ikeda@lw.com>; Glueckstein, Brian D. <gluecksteinb@sullcrom.com>; Liu, Sienna <lius@sullcrom.com>

Cc: Goldberg, Adam (NY) <Adam.Goldberg@lw.com>; Mohebbi, Nima (LA) <nima.mohebbi@lw.com>; Harris, Christopher (NY) <CHRISTOPHER.HARRIS@lw.com>; Taousse, Nacif (NY) <Nacif.Taousse@lw.com>; Zhao, Zijun (NY) <Zijun.Zhao@lw.com>; Wadier, Sebastien (LA) <Sebastien.Wadier@lw.com>; Rosen, Brian (NY) <Brian.Rosen@lw.com>
Subject: RE: FTX/3AC

We anticipate responding to your second set of discovery requests by the end of next week. Given the calendar and schedules, we will get back to you on dates in the first two weeks of September for a deposition. We agree to adjourn the hearing on our claim objection to the October omnibus hearing with a corresponding extension of 3AC's response deadline.

The FTX Debtors do not consent to 3AC filing an amended proof of claim and will oppose any relief sought from the Court for leave to do so. It is especially difficult for us to even consider consenting when you have not articulated any claim that you believe is properly asserted against the FTX Debtors, or a basis for leave to amend. We are willing to consider a request for consent to an amended claim if and when you did so. Otherwise, we suggest you file any motion to amend the claim so the Court can address it. We do not agree that needs to or should wait until your discovery efforts are completed, and that process should proceed in parallel.

Benjamin S. Beller
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From: Tiffany.lkeda@lw.com <Tiffany.lkeda@lw.com>
Sent: Tuesday, August 13, 2024 6:25 PM
To: Beller, Benjamin S. <bellerb@sullcrom.com>; Glueckstein, Brian D. <gluecksteinb@sullcrom.com>; Liu, Sienna <lius@sullcrom.com>
Cc: Adam.Goldberg@lw.com; nima.mohebbi@lw.com; CHRISTOPHER.HARRIS@lw.com; Nacif.Taousse@lw.com; Zijun.Zhao@lw.com; Sebastien.Wadier@lw.com; Brian.Rosen@lw.com
Subject: [EXTERNAL] RE: FTX/3AC

Counsel,

I am writing to discuss depo scheduling, FTX's discovery responses, 3AC's forthcoming amended proof of claim, and 3AC's objection to the plan.

1. **Deposition Scheduling:** On August 1 and 7, we asked you to check on whether FTX's 30(b)(6) witness would be available for deposition the week of August 19. We have not heard back. Please let us know if FTX's witness is available for deposition on August 21 or 22.
2. **FTX Discovery Responses:** On August 7, we served 3AC's second set of discovery consisting of one RFA, one RFP, and two interrogatories, and set the response date for August 13 at 5 pm ET. As that deadline has now passed, please let us know when you anticipate being able to provide a substantive response to the discovery. As you may expect, we will need responses at least five days before we take FTX's 30(b)(6) depo.
3. **3AC's Forthcoming Amended Proof of Claim:** As we discussed on August 1, our plan is to amend 3AC's proof of claim after we take FTX's deposition. Will you consent to our filing of an amended proof of claim? Alternatively, we will need to push back the claim objection deadline further to allow sufficient time to complete the deposition, file our amended proof of claim, and then have a hearing on a motion to amend our proof of claim before our response to the claim objection is due.
4. **3AC's Objection to the Plan:** We are planning on filing a limited objection to the plan on the grounds that it does not provide for a reserve for disputed claims in an amount sufficient to meet the requirements of section 1123(a)(4) of the Bankruptcy Code to provide equal distributions for all creditors in the same class. We are open

to working with you on a resolution that provides notice of the amount of reserves and an opportunity for the parties to be heard (if necessary) or reaching an agreement on an extension of the objection deadline, in light of our ongoing work towards a claim resolution.

We suggest a meet and confer on Wednesday afternoon (ET) or anytime Thursday. Please let us know what works for you.

Tiffany

Tiffany M. Ikeda

LATHAM & WATKINS LLP

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From: Ikeda, Tiffany (CC)

Sent: Wednesday, August 7, 2024 10:17 AM

To: 'Beller, Benjamin S.' <bellerb@sullcrom.com>; 'Glueckstein, Brian D.' <gluecksteinb@sullcrom.com>; 'Liu, Sienna' <lius@sullcrom.com>

Cc: Goldberg, Adam (NY) <Adam.Goldberg@lw.com>; Mohebbi, Nima (LA) <nima.mohebbi@lw.com>; Harris, Christopher (NY) <CHRISTOPHER.HARRIS@lw.com>; Taousse, Nacif (NY) <Nacif.Taousse@lw.com>; Zhao, Zijun (NY) <Zijun.Zhao@lw.com>; Wadier, Sebastien (LA) <Sebastien.Wadier@lw.com>

Subject: FTX/3AC

Counsel,

Please see the attached discovery requests. We have set these for a return date of August 13, but please let us know if you need more time and if so, when you anticipate being able to provide a substantive response.

During our call last Thursday, we discussed FTX's objections and responses to 3AC's discovery requests. You said that although FTX's responses to the deposition topics only agreed to meet and confer, FTX was willing to put up a witness on all topics, with the caveat that you can only educate the witness based on what is known from the documents. As such, we requested that you check on the witness's availability for deposition the week of August 19. Can you please let us know if there are dates during that week that would work for a deposition?

Lastly, we appreciate your offer to work with us on providing the information in FTX_3AC_000000002 in a useable format. Teneo is trying to address this issue, but we will circle back if we need further assistance.

Best,
Tiffany

Tiffany M. Ikeda

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****This is an external message from: Tiffany.Ikeda@lw.com ****

This e-mail is sent by a law firm and contains information that may be privileged and confidential. If you are not the intended recipient, please delete the e-mail and notify us immediately.

EXHIBIT 17

From: Wadier, Sebastien (LA)
Sent: Thursday, October 10, 2024 4:25 PM
To: Beller, Benjamin S.; Liu, Sienna; Glueckstein, Brian D.; Keeley, Julian M.
Cc: Goldberg, Adam (NY); Harris, Christopher (NY); Taousse, Nacif (NY); Zhao, Zijun (NY); Rosen, Brian (NY); Mohebbi, Nima (LA); Ikeda, Tiffany (CC)
Subject: RE: FTX/3AC

Counsel,

Please let us know if you are available for a call today or tomorrow morning to discuss the schedule and outstanding discovery.

We requested that FTX provide missing documents and witness contact information the day after Robert Gordon's deposition, on September 20. Almost three weeks later, we have not received a substantive response. To be clear, we were entitled to these documents and information under our existing requests served on July 10 and August 7 and Federal Rule of Evidence 612, but to avoid any ambiguity we have served new requests as well.

In light of FTX's failure to respond, if we do not have a meet and confer tomorrow, we will file a motion to compel tomorrow and request a scheduling conference to be heard on shortened notice at the October 22 omnibus hearing. Please let us know whether you consent or object to have that motion heard on shortened notice.

We look forward to hearing back from you soon.

Best,
Sebastien

Sebastien Wadier

LATHAM & WATKINS LLP

355 South Grand Avenue, Suite 100 | Los Angeles, CA 90071-1560
D: +1.213.891.7915

From: Wadier, Sebastien (LA)
Sent: Wednesday, October 9, 2024 9:27 PM
To: Ikeda, Tiffany (CC) <Tiffany.Ikeda@lw.com>; Beller, Benjamin S. <bellerb@sullcrom.com>; Liu, Sienna <lius@sullcrom.com>; Glueckstein, Brian D. <gluecksteinb@sullcrom.com>; Keeley, Julian M. <keeleyj@sullcrom.com>; zzext-landis <landis@lrclaw.com>; zzExt-brown <brown@lrclaw.com>; pierce@lrclaw.com
Cc: Goldberg, Adam (NY) <Adam.Goldberg@lw.com>; Mohebbi, Nima (LA) <nima.mohebbi@lw.com>; Harris, Christopher (NY) <CHRISTOPHER.HARRIS@lw.com>; Taousse, Nacif (NY) <Nacif.Taousse@lw.com>; Zhao, Zijun (NY) <Zijun.Zhao@lw.com>; Rosen, Brian (NY) <Brian.Rosen@lw.com>; Alexis R. Gambale <agambale@pashmanstein.com>; John W. Weiss <jweiss@pashmanstein.com>; Leslie Salcedo <lsalcedo@pashmanstein.com>
Subject: RE: FTX/3AC

Counsel,

You can find the Joint Liquidators' Third Sets of Requests for Production and Interrogatories attached.

Best,
Sebastien

Sebastien Wadier

LATHAM & WATKINS LLP

355 South Grand Avenue, Suite 100 | Los Angeles, CA 90071-1560
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From: Ikeda, Tiffany (CC) <Tiffany.Ikeda@lw.com>

Sent: Monday, September 30, 2024 2:10 PM

To: Beller, Benjamin S. <bellerb@sullcrom.com>; Liu, Sienna <lius@sullcrom.com>; Glueckstein, Brian D. <gluecksteinb@sullcrom.com>; Keeley, Julian M. <keeleyj@sullcrom.com>

Cc: Goldberg, Adam (NY) <Adam.Goldberg@lw.com>; Mohebbi, Nima (LA) <nima.mohebbi@lw.com>; Harris, Christopher (NY) <CHRISTOPHER.HARRIS@lw.com>; Taousse, Nacif (NY) <Nacif.Taousse@lw.com>; Zhao, Zijun (NY) <Zijun.Zhao@lw.com>; Wadier, Sebastien (LA) <Sebastien.Wadier@lw.com>; Rosen, Brian (NY) <Brian.Rosen@lw.com>

Subject: RE: FTX/3AC

Counsel,

We are still waiting for a substantive response to my September 20 email. As one point of clarification, our request for communications with or concerning 3AC between June 1 and 30, 2022 includes messages from FTX employees' personal Telegram, Signal, and other messaging accounts. At deposition, Mr. Gordon testified that the Debtors have not attempted to collect messages from any FTX employees' Telegram or other personal messaging accounts. To the extent the Debtors take the position that these are not in their possession, custody, or control, please let us know.

Tiffany

Tiffany M. Ikeda

LATHAM & WATKINS LLP

10250 Constellation Blvd. Suite 1100 | Los Angeles, CA 90067
D: +1.424.653.5416 | M: +1.213.507.4609

From: Ikeda, Tiffany (CC)

Sent: Friday, September 27, 2024 9:40 AM

To: 'Beller, Benjamin S.' <bellerb@sullcrom.com>; 'Liu, Sienna' <lius@sullcrom.com>; 'Glueckstein, Brian D.' <gluecksteinb@sullcrom.com>; 'Keeley, Julian M.' <keeleyj@sullcrom.com>

Cc: Goldberg, Adam (NY) <Adam.Goldberg@lw.com>; Mohebbi, Nima (LA) <nima.mohebbi@lw.com>; Harris, Christopher (NY) <CHRISTOPHER.HARRIS@lw.com>; Taousse, Nacif (NY) <Nacif.Taousse@lw.com>; Zhao, Zijun (NY) <Zijun.Zhao@lw.com>; Wadier, Sebastien (LA) <Sebastien.Wadier@lw.com>; Rosen, Brian (NY) <Brian.Rosen@lw.com>

Subject: RE: FTX/3AC

Hi Benjamin,

We have yet to receive the information and documents requested below, or any response from your team. As a result, and as stated in our last note, we will now require more time beyond October 4 to amend the proof of claim. How much additional time is required will depend on when the requested information is received.

We're happy to discuss as needed.

Tiffany

Tiffany M. Ikeda

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From: Ikeda, Tiffany (CC)

Sent: Tuesday, September 24, 2024 4:29 PM

To: 'Beller, Benjamin S.' <bellerb@sullcrom.com>; Liu, Sienna <lius@sullcrom.com>; Glueckstein, Brian D. <gluecksteinb@sullcrom.com>; Keeley, Julian M. <keeleyj@sullcrom.com>

Cc: Goldberg, Adam (NY) <Adam.Goldberg@lw.com>; Mohebbi, Nima (LA) <nima.mohebbi@lw.com>; Harris, Christopher (NY) <CHRISTOPHER.HARRIS@lw.com>; Taousse, Nacif (NY) <Nacif.Taousse@lw.com>; Zhao, Zijun (NY) <Zijun.Zhao@lw.com>; Wadier, Sebastien (LA) <Sebastien.Wadier@lw.com>; Rosen, Brian (NY) <Brian.Rosen@lw.com>

Subject: RE: FTX/3AC

Hi Benjamin,

Please let us know what follow up requests you anticipate responding to and when we can expect to receive documents/information. We need this for our amended proof of claim, which is currently due to be delivered to the S&C team on **October 4**. To the extent we do not receive the requested documents/information, including any deposition, if necessary, sufficiently in advance (and no later than **Thursday, September 26**), we will require additional time to provide the proof of claim. We can discuss further if it becomes necessary, but we note that our requests are far from burdensome and can be delivered easily: three publicly available documents we have asked you to identify, chats that can be found via a search on Relativity, and the already-prepared A&M work product relied upon to prepare for the deposition.

With respect to last week's deposition, we understand that the parties are at an impasse on whether the deposition is open, and we reserve all rights.

Tiffany

Tiffany M. Ikeda

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From: Beller, Benjamin S. <bellerb@sullcrom.com>

Sent: Sunday, September 22, 2024 7:32 PM

To: Ikeda, Tiffany (CC) <Tiffany.Ikeda@lw.com>; Liu, Sienna <lius@sullcrom.com>; Glueckstein, Brian D. <gluecksteinb@sullcrom.com>; Keeley, Julian M. <keeleyj@sullcrom.com>

Cc: Goldberg, Adam (NY) <Adam.Goldberg@lw.com>; Mohebbi, Nima (LA) <nima.mohebbi@lw.com>; Harris, Christopher (NY) <CHRISTOPHER.HARRIS@lw.com>; Taousse, Nacif (NY) <Nacif.Taousse@lw.com>; Zhao, Zijun (NY) <Zijun.Zhao@lw.com>; Wadier, Sebastien (LA) <Sebastien.Wadier@lw.com>; Rosen, Brian (NY) <Brian.Rosen@lw.com>

Subject: RE: FTX/3AC

Tiffany – we confirm receipt of your follow up requests from the deposition and as stated we are taking them under advisement. However, we do not agree to respond to the requests on your artificial and unnecessarily burdensome timeline. We will respond as appropriate in due course, including with respect to the appropriateness of your requests given the procedural status of the claim dispute.

In the interim, please note that, as we expect you are aware, many of the former employees that may have knowledge of the FTX Debtors' pre-petition relationship with 3AC either have been convicted of or are under indictment for federal crimes which has implications for their accessibility.

Finally, we disagree with your asserted basis for purporting to keep Mr. Gordon's deposition open, consider the deposition closed, will not present him or any other witness for further examination pursuant to Rule 30(b)(6) without a court order, and reserve all rights with respect thereto.

Benjamin S. Beller

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From: Tiffany.Ikeda@lw.com <Tiffany.Ikeda@lw.com>

Sent: Friday, September 20, 2024 3:32 PM

To: Beller, Benjamin S. <bellerb@sullcrom.com>; Liu, Sienna <lius@sullcrom.com>; Glueckstein, Brian D. <gluecksteinb@sullcrom.com>; Keeley, Julian M. <keeleyj@sullcrom.com>

Cc: Adam.Goldberg@lw.com; nima.mohebbi@lw.com; CHRISTOPHER.HARRIS@lw.com; Nacif.Taousse@lw.com; Zijun.Zhao@lw.com; Sebastien.Wadier@lw.com; Brian.Rosen@lw.com

Subject: [EXTERNAL] RE: FTX/3AC

S&C team,

Thank you for your and Mr. Gordon's time during yesterday's deposition. As previewed then, we have certain follow-up items. They are set forth below:

- We request that the Debtors produce no later than **Monday, September 23** the documents that Robert Gordon reviewed to prepare for his deposition, including:
 - The three "publicly available" documents referenced in the deposition, which we understand related to: (1) collateral management; (2) liquidation process; and (3) spot-margin trading program.
 - Any versions of internal A&M presentations or other work product referenced in the deposition that Mr. Gordon reviewed, which we understand to be at least two, with one prepared around September 10, 2024.
- We request that the Debtors conduct a new search for and produce, no later than **Friday, September 27**, all communications with or concerning 3AC between June 1 and 30, 2024, including but not limited to the messages sent by Zane Tackett referenced in the exhibits from yesterday's deposition, FTX_3AC_000000350 and 1394.
- Please confirm, no later than **Monday, September 23**, that Debtors' counsel represents the FTX developer named "██████" and if so, provide his availability for a deposition. Mr. Gordon relied on a conversation with ██████ for the very limited testimony he was able to offer concerning the disposition of 3AC's assets. If you do not represent ██████ please provide his last known contact information.
- Please provide, no later than **Monday, September 23**, the last known contact information for Zane Tackett, Caroline Ellison, and the other FTX employees listed in FTX_3AC_000001594. Mr. Gordon's testimony made clear that Debtors have made no efforts to contact former employees with relevant knowledge of their relationship with 3AC. As a result, 3AC may need to depose these former employees itself.

As agreed, 3AC will deliver to the S&C team an amended proof of claim on October 4, 2024 (i.e., in 2 weeks). Depending on the discovery items produced in connection with the above, what we learn from those items, and when they are produced, we may require more time to amend.

We further reiterate that the deponent was not adequately prepared for yesterday's deposition. The deponent was unprepared to testify to, *inter alia*, 3AC's relationship with FTX (Topic No. 1), the composition of 3AC's "negative USD balances" (Topic No. 5), or the disposition of 3AC's assets (Topic No. 5) because, among other reasons, the Debtors made no attempt to contact anyone with personal knowledge of the deposition topics. As we stated on the record, we are accordingly holding his deposition open and reserve all rights.

Regards,
Tiffany

Tiffany M. Ikeda

LATHAM & WATKINS LLP

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From: Ikeda, Tiffany (CC)

Sent: Friday, September 13, 2024 2:59 PM

To: 'Beller, Benjamin S.' <bellerb@sullcrom.com>; Liu, Sienna <lius@sullcrom.com>; Glueckstein, Brian D. <gluecksteinb@sullcrom.com>; Keeley, Julian M. <keeleyj@sullcrom.com>

Cc: Goldberg, Adam (NY) <Adam.Goldberg@lw.com>; Mohebbi, Nima (LA) <nima.mohebbi@lw.com>; Harris, Christopher (NY) <CHRISTOPHER.HARRIS@lw.com>; Taousse, Nacif (NY) <Nacif.Taousse@lw.com>; Zhao, Zijun (NY) <Zijun.Zhao@lw.com>; Wadier, Sebastien (LA) <Sebastien.Wadier@lw.com>; Rosen, Brian (NY) <Brian.Rosen@lw.com>

Subject: RE: FTX/3AC

Hi Benjamin,

That works for us. We will plan on starting at 9 am ET on Thursday.

Tiffany

Tiffany M. Ikeda

LATHAM & WATKINS LLP

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From: Beller, Benjamin S. <bellerb@sullcrom.com>

Sent: Friday, September 13, 2024 2:00 PM

To: Ikeda, Tiffany (CC) <Tiffany.Ikeda@lw.com>; Liu, Sienna <lius@sullcrom.com>; Glueckstein, Brian D. <gluecksteinb@sullcrom.com>; Keeley, Julian M. <keeleyj@sullcrom.com>

Cc: Goldberg, Adam (NY) <Adam.Goldberg@lw.com>; Mohebbi, Nima (LA) <nima.mohebbi@lw.com>; Harris, Christopher (NY) <CHRISTOPHER.HARRIS@lw.com>; Taousse, Nacif (NY) <Nacif.Taousse@lw.com>; Zhao, Zijun (NY) <Zijun.Zhao@lw.com>; Wadier, Sebastien (LA) <Sebastien.Wadier@lw.com>; Rosen, Brian (NY) <Brian.Rosen@lw.com>

Subject: RE: FTX/3AC

Understood, in that case we suggest starting at 9 ET

Benjamin S. Beller

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From: Tiffany.Ikeda@lw.com <Tiffany.Ikeda@lw.com>
Sent: Friday, September 13, 2024 4:51 PM
To: Beller, Benjamin S. <bellerb@sullcrom.com>; Liu, Sienna <lius@sullcrom.com>; Glueckstein, Brian D. <gluecksteinb@sullcrom.com>; Keeley, Julian M. <keeleyj@sullcrom.com>
Cc: Adam.Goldberg@lw.com; nima.mohebbi@lw.com; CHRISTOPHER.HARRIS@lw.com; Nacif.Taousse@lw.com; Zijun.Zhao@lw.com; Sebastien.Wadier@lw.com; Brian.Rosen@lw.com
Subject: [EXTERNAL] RE: FTX/3AC

Hi Ben,

We agree to the scheduling proposal in your email for 3AC's amended proof of claim.

Thanks for providing the deponent's name and list of attendees for Thursday's deposition. We are fine with starting at 10 am ET. We are not sure how long the deposition will take, but please have the witness be prepared to stay all day if needed. We will plan on providing lunch so we can be efficient with our breaks.

Best,
Tiffany

Tiffany M. Ikeda

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From: Beller, Benjamin S. <bellerb@sullcrom.com>
Sent: Friday, September 13, 2024 10:01 AM
To: Ikeda, Tiffany (CC) <Tiffany.Ikeda@lw.com>; Liu, Sienna <lius@sullcrom.com>; Glueckstein, Brian D. <gluecksteinb@sullcrom.com>; Keeley, Julian M. <keeleyj@sullcrom.com>
Cc: Goldberg, Adam (NY) <Adam.Goldberg@lw.com>; Mohebbi, Nima (LA) <nima.mohebbi@lw.com>; Harris, Christopher (NY) <CHRISTOPHER.HARRIS@lw.com>; Taousse, Nacif (NY) <Nacif.Taousse@lw.com>; Zhao, Zijun (NY) <Zijun.Zhao@lw.com>; Wadier, Sebastien (LA) <Sebastien.Wadier@lw.com>; Rosen, Brian (NY) <Brian.Rosen@lw.com>
Subject: RE: FTX/3AC

Tiffany – your scheduling proposal works for us except the pending claim objection should be adjourned to the December 12 omnibus hearing (not sine die), with your opposition due on November 20. This will provide time for any dispute about an amended claim to be resolved but keeping the objection on calendar. And to be clear this schedule would apply to the original claim/claim objection with a new schedule to be evaluated in the event you validly file an amended claim.

Our 30b6 witness is Robert Gordon from A&M. For security, it will be me, Brian Glueckstein and Sienna Liu in attendance. Should we plan to start the deposition at 10 am ET? And do you have a sense of how much time you expect to need with the witness?

Thanks,

Benjamin S. Beller
[+1 212 558 3334](tel:+12125583334) (T) | [+1 917 660 0174](tel:+19176600174) (M)

From: Tiffany.Ikeda@lw.com <Tiffany.Ikeda@lw.com>
Sent: Monday, September 9, 2024 7:50 PM

To: Beller, Benjamin S. <bellerb@sullcrom.com>; Liu, Sienna <lius@sullcrom.com>; Glueckstein, Brian D. <gluecksteinb@sullcrom.com>; Keeley, Julian M. <keeleyj@sullcrom.com>
Cc: Adam.Goldberg@lw.com; nima.mohebbi@lw.com; CHRISTOPHER.HARRIS@lw.com; Nacif.Taousse@lw.com; Zijun.Zhao@lw.com; Sebastien.Wadier@lw.com; Brian.Rosen@lw.com
Subject: [EXTERNAL] RE: FTX/3AC

Counsel,

We write concerning the upcoming deposition and a proposal for 3AC's amended proof of claim.

FTX 30(b)(6) Deposition

For the deposition at Latham's NY office on September 19, please let us know the name of the witness(es) who will be testifying on Topics 1-10 and 12-16. Please also provide the names of any other attendees no later than September 18 so we can add them to the security list.

3AC's Amended Proof of Claim

You will recall that when we previously corresponded regarding scheduling of the 3AC claim objection matters, FTX provided an extension of 3AC's response deadline for the claim objection commensurate with the adjournment of hearing.

With our deposition now being scheduled, we propose the following process in an effort to move forward in an efficient manner.

- Adjourn 3AC's deadline to object to FTX's objection to 3AC's proof of claim to a date to be determined.
- September 19 – deposition of FTX representative
- October 4 – deadline for 3AC to deliver amended proof of claim to FTX (for avoidance of doubt, not file with the bankruptcy court)
- FTX will then respond on whether it will agree that 3AC may amend its proof of claim (subject to the right to object).
 - If FTX accepts the filing of the amended proof of claim, the parties enter into a stipulation stating that the filing of the amended claim is acceptable. FTX may then object to the amended proof of claim, with further proceedings to be determined at that stage.
 - If FTX declines to agree to filing of the amended proof of claim, 3AC will file a motion to amend the claim with further proceedings within 10 calendar days of receipt of written notice (via email) of FTX's decision, and further proceedings on the claim objection would be determined at the time of the court's ruling on the motion to amend.

Please let us know if this proposal is acceptable at your earliest convenience. We are available to discuss / meet & confer.

Best,
Tiffany

Tiffany M. Ikeda

LATHAM & WATKINS LLP

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From: Ikeda, Tiffany (CC)

Sent: Wednesday, September 4, 2024 6:23 PM

To: 'Beller, Benjamin S.' <bellerb@sullcrom.com>; Liu, Sienna <lius@sullcrom.com>; Glueckstein, Brian D. <gluecksteinb@sullcrom.com>

Cc: Goldberg, Adam (NY) <Adam.Goldberg@lw.com>; Mohebbi, Nima (LA) <nima.mohebbi@lw.com>; Harris, Christopher (NY) <CHRISTOPHER.HARRIS@lw.com>; Taousse, Nacif (NY) <Nacif.Taousse@lw.com>; Zhao, Zijun (NY) <Zijun.Zhao@lw.com>; Wadier, Sebastien (LA) <Sebastien.Wadier@lw.com>; Rosen, Brian (NY) <Brian.Rosen@lw.com>; Keeley, Julian M. <keeleyj@sullcrom.com>

Subject: RE: FTX/3AC

Hi Benjamin,

We will plan on taking the deposition of the Debtors' 30(b)(6) witness on September 19 at Latham's office in NY.

Best,
Tiffany

Tiffany M. Ikeda

LATHAM & WATKINS LLP

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From: Beller, Benjamin S. <bellerb@sullcrom.com>

Sent: Tuesday, September 3, 2024 10:22 AM

To: Liu, Sienna <lius@sullcrom.com>; Ikeda, Tiffany (CC) <Tiffany.Ikeda@lw.com>; Glueckstein, Brian D. <gluecksteinb@sullcrom.com>

Cc: Goldberg, Adam (NY) <Adam.Goldberg@lw.com>; Mohebbi, Nima (LA) <nima.mohebbi@lw.com>; Harris, Christopher (NY) <CHRISTOPHER.HARRIS@lw.com>; Taousse, Nacif (NY) <Nacif.Taousse@lw.com>; Zhao, Zijun (NY) <Zijun.Zhao@lw.com>; Wadier, Sebastien (LA) <Sebastien.Wadier@lw.com>; Rosen, Brian (NY) <Brian.Rosen@lw.com>; Keeley, Julian M. <keeleyj@sullcrom.com>

Subject: RE: FTX/3AC

And further to the below, we can make our 30b6 witness available for deposition at S&C's offices in NY on either September 18 or 19th. Please let us know.

Benjamin S. Beller

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From: Liu, Sienna <lius@sullcrom.com>

Sent: Tuesday, September 3, 2024 10:07 AM

To: Tiffany.Ikeda@lw.com; Beller, Benjamin S. <bellerb@sullcrom.com>; Glueckstein, Brian D. <gluecksteinb@sullcrom.com>

Cc: Adam.Goldberg@lw.com; nima.mohebbi@lw.com; CHRISTOPHER.HARRIS@lw.com; Nacif.Taousse@lw.com; Zijun.Zhao@lw.com; Sebastien.Wadier@lw.com; Brian.Rosen@lw.com; Keeley, Julian M. <keeleyj@sullcrom.com>

Subject: RE: FTX/3AC

Counsel,

Please see attached (I) the Debtors' responses and objections to 3AC's second set of discovery requests directed to the Debtors on August 7, 2024; and (II) the Debtors' supplemental responses and objections to 3AC's first set of interrogatories directed to the Debtors on July 26, 2024.

Best,
Sienna

Sienna Liu

T: (212)558-4087

From: Liu, Sienna

Sent: Wednesday, August 28, 2024 8:38 PM

To: Tiffany.Ikeda@lw.com; Beller, Benjamin S. <bellerb@sullcrom.com>; Glueckstein, Brian D. <gluecksteinb@sullcrom.com>

Cc: Adam.Goldberg@lw.com; nima.mohebbi@lw.com; CHRISTOPHER.HARRIS@lw.com; Nacif.Taousse@lw.com; Zijun.Zhao@lw.com; Sebastien.Wadier@lw.com; Brian.Rosen@lw.com

Subject: RE: FTX/3AC

Counsel,

We are working on responses to your second set of discovery requests, and will revert soon.

For the deposition, we are confirming dates for September, and will get back to you. We will present a witness subject to all our objections, including both general and specific objections, as set out in our July 26, 2024 R&Os to your first set of discovery requests and the attached supplemental R&Os to the deposition notice, with the exception of Topic No. 11 (on loans made by Voyager to 3AC).

Best,
Sienna

Sienna Liu

T: (212)558-4087

From: Tiffany.Ikeda@lw.com <Tiffany.Ikeda@lw.com>

Sent: Tuesday, August 27, 2024 8:27 PM

To: Beller, Benjamin S. <bellerb@sullcrom.com>; Glueckstein, Brian D. <gluecksteinb@sullcrom.com>; Liu, Sienna <lius@sullcrom.com>

Cc: Adam.Goldberg@lw.com; nima.mohebbi@lw.com; CHRISTOPHER.HARRIS@lw.com; Nacif.Taousse@lw.com; Zijun.Zhao@lw.com; Sebastien.Wadier@lw.com; Brian.Rosen@lw.com

Subject: [EXTERNAL] RE: FTX/3AC

Counsel,

In your email dated August 15, you said you anticipated responding to our second set of discovery requests by the end of last week. We have not received the Debtors' responses. Can you please let us know when you anticipate serving them?

Also, please let us know when FTX's 30(b)(6) witness(es) will be available for deposition the week of September 9. We expect FTX's witness(es) to be prepared on all topics listed in 3AC's July 10, 2024 deposition notice, including Topics 11-16 for which FTX did not serve any objections.

Tiffany

Tiffany M. Ikeda

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From: Beller, Benjamin S. <bellerb@sullcrom.com>

Sent: Thursday, August 15, 2024 6:54 AM

To: Ikeda, Tiffany (CC) <Tiffany.Ikeda@lw.com>; Glueckstein, Brian D. <gluecksteinb@sullcrom.com>; Liu, Sienna <lius@sullcrom.com>

Cc: Goldberg, Adam (NY) <Adam.Goldberg@lw.com>; Mohebbi, Nima (LA) <nima.mohebbi@lw.com>; Harris, Christopher (NY) <CHRISTOPHER.HARRIS@lw.com>; Taousse, Nacif (NY) <Nacif.Taousse@lw.com>; Zhao, Zijun (NY) <Zijun.Zhao@lw.com>; Wadier, Sebastien (LA) <Sebastien.Wadier@lw.com>; Rosen, Brian (NY) <Brian.Rosen@lw.com>

Subject: RE: FTX/3AC

We anticipate responding to your second set of discovery requests by the end of next week. Given the calendar and schedules, we will get back to you on dates in the first two weeks of September for a deposition. We agree to adjourn the hearing on our claim objection to the October omnibus hearing with a corresponding extension of 3AC's response deadline.

The FTX Debtors do not consent to 3AC filing an amended proof of claim and will oppose any relief sought from the Court for leave to do so. It is especially difficult for us to even consider consenting when you have not articulated any claim that you believe is properly asserted against the FTX Debtors, or a basis for leave to amend. We are willing to consider a request for consent to an amended claim if and when you did so. Otherwise, we suggest you file any motion to amend the claim so the Court can address it. We do not agree that needs to or should wait until your discovery efforts are completed, and that process should proceed in parallel.

Benjamin S. Beller

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From: Tiffany.Ikeda@lw.com <Tiffany.Ikeda@lw.com>

Sent: Tuesday, August 13, 2024 6:25 PM

To: Beller, Benjamin S. <bellerb@sullcrom.com>; Glueckstein, Brian D. <gluecksteinb@sullcrom.com>; Liu, Sienna <lius@sullcrom.com>

Cc: Adam.Goldberg@lw.com; nima.mohebbi@lw.com; CHRISTOPHER.HARRIS@lw.com; Nacif.Taousse@lw.com; Zijun.Zhao@lw.com; Sebastien.Wadier@lw.com; Brian.Rosen@lw.com

Subject: [EXTERNAL] RE: FTX/3AC

Counsel,

I am writing to discuss depo scheduling, FTX's discovery responses, 3AC's forthcoming amended proof of claim, and 3AC's objection to the plan.

1. **Deposition Scheduling:** On August 1 and 7, we asked you to check on whether FTX's 30(b)(6) witness would be available for deposition the week of August 19. We have not heard back. Please let us know if FTX's witness is available for deposition on August 21 or 22.
2. **FTX Discovery Responses:** On August 7, we served 3AC's second set of discovery consisting of one RFA, one RFP, and two interrogatories, and set the response date for August 13 at 5 pm ET. As that deadline has now passed, please let us know when you anticipate being able to provide a substantive response to the discovery. As you may expect, we will need responses at least five days before we take FTX's 30(b)(6) depo.

3. **3AC's Forthcoming Amended Proof of Claim:** As we discussed on August 1, our plan is to amend 3AC's proof of claim after we take FTX's deposition. Will you consent to our filing of an amended proof of claim? Alternatively, we will need to push back the claim objection deadline further to allow sufficient time to complete the deposition, file our amended proof of claim, and then have a hearing on a motion to amend our proof of claim before our response to the claim objection is due.
4. **3AC's Objection to the Plan:** We are planning on filing a limited objection to the plan on the grounds that it does not provide for a reserve for disputed claims in an amount sufficient to meet the requirements of section 1123(a)(4) of the Bankruptcy Code to provide equal distributions for all creditors in the same class. We are open to working with you on a resolution that provides notice of the amount of reserves and an opportunity for the parties to be heard (if necessary) or reaching an agreement on an extension of the objection deadline, in light of our ongoing work towards a claim resolution.

We suggest a meet and confer on Wednesday afternoon (ET) or anytime Thursday. Please let us know what works for you.

Tiffany

Tiffany M. Ikeda

LATHAM & WATKINS LLP

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From: Ikeda, Tiffany (CC)

Sent: Wednesday, August 7, 2024 10:17 AM

To: 'Beller, Benjamin S.' <bellerb@sullcrom.com>; 'Glueckstein, Brian D.' <gluecksteinb@sullcrom.com>; 'Liu, Sienna' <lius@sullcrom.com>

Cc: Goldberg, Adam (NY) <Adam.Goldberg@lw.com>; Mohebbi, Nima (LA) <nima.mohebbi@lw.com>; Harris, Christopher (NY) <CHRISTOPHER.HARRIS@lw.com>; Taousse, Nacif (NY) <Nacif.Taousse@lw.com>; Zhao, Zijun (NY) <Zijun.Zhao@lw.com>; Wadier, Sebastien (LA) <Sebastien.Wadier@lw.com>

Subject: FTX/3AC

Counsel,

Please see the attached discovery requests. We have set these for a return date of August 13, but please let us know if you need more time and if so, when you anticipate being able to provide a substantive response.

During our call last Thursday, we discussed FTX's objections and responses to 3AC's discovery requests. You said that although FTX's responses to the deposition topics only agreed to meet and confer, FTX was willing to put up a witness on all topics, with the caveat that you can only educate the witness based on what is known from the documents. As such, we requested that you check on the witness's availability for deposition the week of August 19. Can you please let us know if there are dates during that week that would work for a deposition?

Lastly, we appreciate your offer to work with us on providing the information in FTX_3AC_000000002 in a useable format. Teneo is trying to address this issue, but we will circle back if we need further assistance.

Best,
Tiffany

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EXHIBIT 18

EXHIBIT FILED UNDER SEAL

EXHIBIT 19

EXHIBIT FILED UNDER SEAL